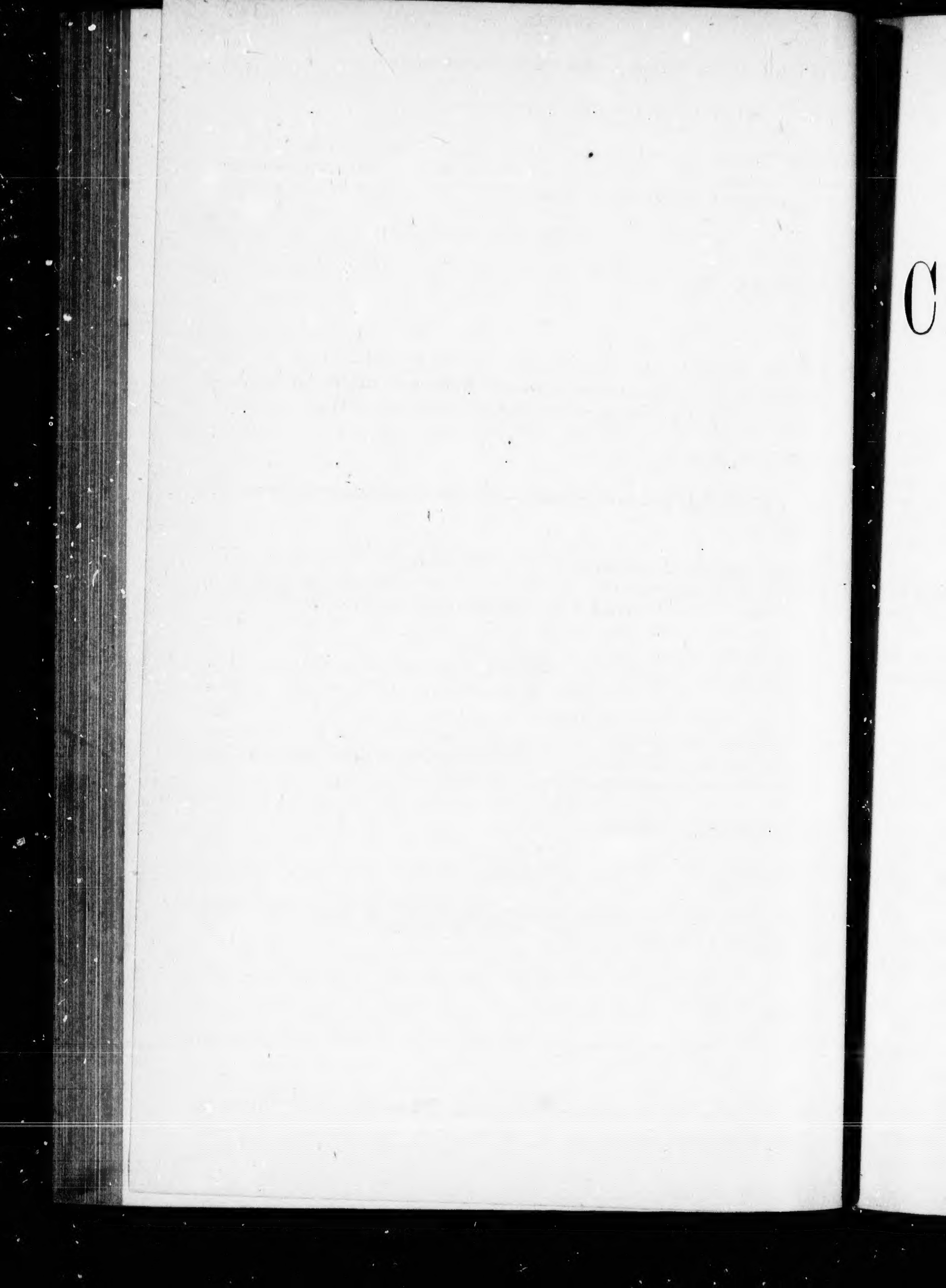


CHARTER

OF THE

CITY OF SOREL

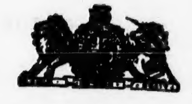
1889

(52 Vict., Chap. LXXX.)

Revised and Codified by A. A. TAILLON, Mayor



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ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

CAP. LXXX.

An Act to incorporate the city of Sorel.

[*Assented to 21st March*, 1889.]

Preamble.

WHEREAS it has become necessary to confer additional powers upon the corporation of the town of Sorel called "the mayor and council of the town of Sorel," incorporated by the act 23 Victoria, chapter 75, and the subsequent acts amending the same;

Whereas it is expedient to replace such acts by a new act incorporating the corporation of the said town as a city corporation;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

PRELIMINARY TITLE,

MISCELLANEOUS PROVISIONS.

SECTION I.

DECLARATORY AND INTERPRETATIVE.

23 V., c. 75, and acts amending are repealed.

1. The act 23 Victoria, chapter 75, intituled: "An Act to incorporate the town of Sorel" is repealed, as well as all the acts amending the same.

Name of act. Coming into force.

2. This act shall be known under the name of "the charter of the city of Sorel" and shall come into force on the first day of July next.

Interpretation.

3. Unless the context of the provision indicates or declares otherwise, the following expressions, terms and words have the meaning, sense and application which are respectively assigned them in this article:

"Council."

1. The word "council" means the council of the corporation of the city of Sorel, incorporated by this act;

"Corporation."

2. The word "corporation" means the corporation of the city of Sorel;

3. The word "city" means the city of Sorel, or the corporation of the city of Sorel, or the council of the corporation of Sorel, as the case may be; "City."

4. The word "mayor" means the mayor of the city of Sorel or his authorized representative. "Mayor."

5 The word "alderman" means an alderman of the city of Sorel; "Alderman."

6. The words "members" or "members of the council" mean the members of the council of the city of Sorel; "Members."

7. The words "secretary-treasurer" "assistant-secretary-treasurer," "clerk" or "assistant-clerk" mean the secretary-treasurer, assistant-secretary-treasurer, the clerk and assistant-clerk of the city of Sorel; "Secretary-treasurer." "Clerk." Assistants.

8. The word "rate-payer" means any person who has to pay to the corporation any assessment or tax of any kind whatsoever, as well as the rates for water and lighting; "Rate-payers."

9. The word "persons" comprises individuals, companies, associations, commercial firms or corporations; "Persons."

10. The French expressions "*mise en candidature*," "*nomination*" and "*appel nominal*" mean what is called "nomination." "Nomination."

11. The word "elector" means any municipal elector of the city of Sorel who is qualified to vote when he exercises his right as elector; "Elector."

12. The expression "electors who are proprietors" means those who are entered on the valuation roll of the city, in force at the time they exercise their right as electors, and who are at the same time proprietors in possession, in virtue of *bonâ fide* titles. "Electors who are proprietors."

13. The expression "municipal dues" means all taxes, whether general or special, imposts, dues, assessments, apportionments, licenses, special assessments, rates or compensation for water and lighting, fines or penalties as well as all debts due the corporation whether they form part of its revenue or not; "Municipal dues."

14. The word "contract" does not apply to the lease of stalls, nor to the lease, sale or purchase of land nor to loans of money, nor to any agreement in connection therewith; "Contract."

15. The words "assessors" and "valuators" are synonymous; "Assessors," "valuators."

16. The words "valuation roll" and "assessment roll" are synonymous; "Valuation roll." "Assessment roll."

17. The words "police officers" and "constables" are synonymous; "Police officers." "Constables."

18. The words "bonds" and "debentures" are synonymous and mean the bonds which the council is empowered to issue. "Boards," "debentures."

"Pro-mayor." **19.** The French expressions "*adjoint*," "*maire suppléant*," "*pro-maire*" are synonymous and mean the pro-mayor.

References. **4.** Unless the contrary be indicated, every reference to an article refers to an article of this act.

Unnecessary allegations **5.** Unnecessary allegations and expressions introduced into the municipal acts of the council, or of its officers or employees, do not affect the validity thereof, if, when they are set aside as superfluous, the remainder of the provision conveys the meaning required.

Exercise of powers. **6.** The council and its officers exercise all the powers conferred by law upon the said city.

Error or insufficiency. **7.** No act connected with municipal affairs, performed by the council, its officers or any other person, shall be null or void solely on account of error or insufficiency in the designation of the corporation of the city of Sorel, or of this act, or in the designation of the qualities of such officers or person, nor even on account of the omission of the designation of such person, provided no surprise or injustice result therefrom.

Objections as to form. **8.** No objection, founded upon form or upon the omission of any formality even imperative, shall be allowed to prevail in any action, suit or proceeding respecting municipal matters, unless substantial injustice would be done by rejecting such objection, or unless the formality omitted be such, that its omission, according to the provisions of this act, would render null the proceedings or other municipal acts needing such formality.

Prescription of certain suits. **9.** No action, suit or proceedings to annul any by-law or other act of the council, or for damages or indemnity, or relating to any matter or by-law in connection with this act, shall be instituted against the city or against any person after four months from the date at which the cause originated, or from the adoption of the by-law, resolution or other act of the council sought to be annulled.

Delays expiring on holidays. **10.** If the day fixed upon for the execution or performance of any duty prescribed or proceedings, the holding of any meeting, poll, sale, deliberations or other things whatsoever be a non-juridical day they shall *de pleno jure* be postponed or adjourned to the following juridical day.

Taking of oath. **11.** Any oath required by the provisions of this act may be made before the mayor, a judge, the recorder, the secretary-treasurer or any justice of the peace.

Any person, before whom any oath may be made, is required, whenever he is called upon to do so, to administer the oath and deliver a certificate thereof to the party taking the same, without fee.

Persons bound to administer oath, &c.

12. All citizens, electors, rate-payers, and constables of the city of Sorel, and all members or officers of the council, shall be competent witnesses in suits wherein the rights of the said city are affected, if they be not otherwise incapable to act as witnesses.

Citizens, &c., competent witnesses.

13. The forms of oath, of ballot papers, nomination, municipal notices of all kinds, as well as the forms required by this act, shall be those generally used for similar cases, unless the council prescribes others.

Forms.

SECTION II.

TEMPORARY PROVISIONS.

14. The council, as hereby incorporated, is substituted for all purposes whatsoever for the aforesaid corporation of "the mayor and council of the town of Sorel" and succeeds to all its rights, powers, privileges, debts and obligations.

Council under act to replace old council.

It shall be vested with all the powers, rights and privileges conferred by the aforesaid acts hereby repealed according to article one and shall be bound to perform all the duties imposed by the said acts.

Vested with all its powers, &c.

15. The mayor and councillors of the town of Sorel shall remain in office until their respective terms of office expire.

Term of office of present mayor and councillors.

From and after the coming into force of this act, the councillors and their successors shall be called aldermen.

To be aldermen in future.

16. The present municipal officers and employees of the town shall likewise remain in office until they are removed or replaced by the council.

Present officers.

17. All *procès-verbaux* governing water-courses and streets, assessment rolls, statements of dues, by-laws, orders, lists, rolls, plans of the town, resolutions, ordinances, agreements, provisions, engagements or municipal acts whatsoever, passed and agreed to by the mayor and council of the town of Sorel or their predecessors, shall continue to have full force and effect, until they are cancelled, amended, set aside or accomplished.

Existing *procès verbaux*, &c.

18. All notes, bonds, debentures, obligations and engagements whatsoever, signed, endorsed, accepted, issued or contracted by the council of the town of Sorel, up to the coming into force of this act, shall have all their legal effect.

Notes, &c. already signed &c.

TITLE I.

ORGANIZATION OF THE CORPORATION.

SECTION I.

INCORPORATION OF THE CITY OF SOREL.

Incorporation. Name.

19. The inhabitants of the town of Sorel and their successors are constituted a body politic and corporate under the name of the "City of Sorel."

Separate from county of Richelieu.

20. The said city shall remain separate from the county of Richelieu for municipal purposes.

SECTION II.

GENERAL POWERS OF THE CORPORATION.

General powers.

21. The corporation of the city of Sorel, under its corporate name, shall have perpetual succession, and may :

Sue and be sued.

1. Sue and be sued in any cause and before any court of justice ;

Common seal.

2. Have a common seal, which it may change or alter at wili ;

Acquire, &c., real and personal property.

3. Acquire real or personal property by purchase, donation, devise or otherwise, and hold, enjoy and alienate the same for the use of the city ;

Enter into contracts.

4. Enter into contracts, transact, bind and oblige itself and others to itself within the limits of its powers ;

Sign notes, &c.

5. Sign, draw, endorse, transfer, give, accept or receive notes, bills of exchange, chèques, bonds, obligations, debentures, judgments, securities or other titles, whether negotiable or not, in the fulfilment of all rights and powers conferred upon it by its charter and by law, and of all the duties and obligations devolving upon it, and in particular for the securing of loans, for the payment and settlement of amounts due by or to it under any deed, contract or agreement for the payment of grants or bonuses or for other legitimate purposes.

SECTION III.

LIMITS OF THE CITY.—DIVISION INTO WARDS.

Corporate limits.

22. The city of Sorel comprises all that territory forming part of the county of Richelieu ; bounded in front by the River Richelieu ; in rear by a line running parallel to the east side of the Royal Square in the said city to a perpendicular distance of one hundred chains ; on the north

by the River Saint Lawrence; on the south by a line parallel to the south side of the Royal Square aforesaid and thence to a distance of one hundred and twenty chains. These limits coincide with those of the town of Sorel, established by competent authority.

23. The city is divided into five wards or districts respectively designated and known under the names of "Richelieu Ward," "Champlain Ward," "Montcalm Ward," "Laval Ward," "Saint Lawrence Ward." Their respective limits are those determined by the present by-laws of the city. Division into wards.

24. The council may, by a vote of at least two-thirds of all the aldermen, alter the boundaries and limits of the wards, increase or decrease the number thereof or suppress them entirely. Alteration of boundaries of wards.

It may fix the number of aldermen to be elected by each ward, and designate those who shall cease to represent the wards which may be suppressed. Number of aldermen for each.

It may diminish or increase the number of aldermen; but there shall not be more than twelve for the whole city. Number may be increased or diminished.

25. It shall be lawful for the city council, by an affirmative vote of two-thirds of its members, to pass by-laws for the purpose of extending the limits of the city by annexing, for all municipal purposes, the whole or a portion of an adjoining municipality. Extension of city limits by by-law.

Every by-law of the kind shall contain a full description of the territory to be annexed, with a plan thereof showing the area and boundaries, and also the terms and conditions of such annexation. Description of territory to be given in by-law.

Such by-law shall likewise state whether the territory so annexed shall constitute a ward by itself or whether it shall be annexed, in whole or in part, to one of the wards of the city already in existence; Whether to be a new ward or otherwise.

The council shall take no steps with regard to annexing territory, except upon a petition presented to it, signed by a majority of the real estate owners in the territory sought by the petition to be annexed to the city. Petition to be presented.

Every by-law respecting the annexation of territory, in order to be valid, shall, before being finally adopted by the council, be sanctioned or approved of by the majority of the electors who are proprietors in the municipality or part of municipality sought to be annexed; which sanction or approval shall be established in the ordinary way and according to the formalities required by the Municipal Code for the consideration of by-laws submitted to the vote of the people. By-law to be approved.

SECTION VI.

THE CITY COUNCIL, ETC.

§ 1.—*The Council.*

Council represents city.

26. The corporation of the city of Sorel is represented by its council; its rights are exercised and duties performed by the said council and its officers.

Corporate seat.

27. The corporate seat is at the office of the secretary-treasurer in the city hall.

Office to be open during business hours.

Such office shall be open and of access to the public every juridical day, from nine in the forenoon to four in the afternoon.

Composition.

28. The council shall consist of a mayor and not more than twelve aldermen.

Quorum.

29. The *quorum* of the council shall be six members; in the event of the number of aldermen being changed, the quorum may be altered by a resolution of the council.

Pro-mayor.

30. The council may appoint one of the aldermen to perform the duties of pro-mayor and shall have the right to remove him at will.

Duties.

The pro-mayor performs the duties of the mayor, in the event of his absence or inability to act and during a vacancy in the office of mayor.

Mayor superintends officers.

31. The mayor exercises the right of superintendence over all the officers of the council.

Suspends officers.

He may suspend any one of them; and the officer or employee so suspended cannot be re-instated in office without the approval of the council.

Sees to execution of ordinances.

He sees to the faithful execution of all municipal ordinances and by-laws.

Makes suggestions.

He communicates to the council any information or suggestion which he may consider conducive to the interests of the city or of the citizens.

Signature of documents.

32. The mayor and secretary-treasurer sign, seal and execute, in the name of the council, all debentures, contracts, agreements or deeds made and passed by the corporation unless the council provide otherwise.

Mayor and aldermen justices of the peace.

33. While they are in office, the mayor and aldermen are justices of the peace *ex officio*, and have jurisdiction over the whole territory of the city, as well as the

River Richelieu and the River Saint Lawrence opposite the limits of the city.

Jurisdiction.

In addition to such matters as are within the powers of justices of the peace, their jurisdiction extends to all cases in which the corporation or its officers are concerned.

Qualification.

The fact alone of their being members of the council shall qualify them to act as justices of the peace, without their having to take an oath or to comply with any of the formalities or conditions required of justices of the peace.

Summoning of witnesses.

34. Any member of the council may, in the name of the council or of such committees, summon any witness who is ordered to appear before the council or one of its committees, administer the oath to him and examine him.

Articles applicable.

Articles 46 and 47 apply to such witness.

Oath of office.

35. Before entering into office, the members of the council shall make oath to well and faithfully perform the duties of their office.

They shall perform their duties and all municipal acts under such oath.

Omission to take oath.

36. The omission during ten days on the part of any member of the council to take the oath of office required by the preceding section shall constitute a refusal to accept office.

Services to be gratuitous.

37. The aldermen shall not receive any salary, profit or indemnity, in any shape whatsoever, for their services.

Disabilities resulting from office.

38. The members of the council shall be unable to hold any subordinate office under the council.

They shall not be sureties for the officers or employees of the corporation.

They shall not become sureties for the fulfilment of any obligation contracted by a third party towards the council.

Validity of certain votes and acts.

39. No vote given by a person filling illegally the office of member of the council, and no act in which he participates in such quality, shall be set aside solely by reason of the illegal exercise of such office

§ 2.—*Committees of the Council.*

Committees and their powers.

40. The council may appoint standing or special committees, composed of as many of its members as it shall judge convenient, and may delegate to them its powers respecting the examination of any question, the management of any business or particular kind of business, or for the execution of certain duties.

When formed.

41. The committees shall be formed every year at the first sitting after the annual general elections.

Replacing members.

42. The council may replace any member of the said committee whenever it deems expedient.

Mayor *ex-officio* member of committees.

43. The mayor is *ex-officio* a member of every committee and may vote at any meeting thereof, and, in the finance committee, he shall also give his casting vote when the votes are equally divided.

Reports by committees.

44. The committees shall render account of their labors and their decisions by reports signed by their chairmen or by a majority of the members who compose them.

To be adopted by council.

No report or order whatever of a committee shall have any effect, until it has been adopted by the council.

Power of council and committees.

45. The council or its committees, on every question or matter pending before them, may:

Communication of documents.

1. Take communication of all documents or writings produced in evidence;

Summoning persons.

2. Summon any person residing in the Province, on a warrant of the mayor or of the chairman of a committee;

Examination under oath.

3. Examine under oath the parties and the witnesses produced by the parties, or any person summoned to appear as aforesaid in an inquiry into any matter of public interest within the jurisdiction of the council.

Travelling expenses, &c., to be tendered to person summoned.

46. No one is bound to appear as a witness before the council or its committees unless his reasonable travelling expenses for both going and coming have been tendered or paid him as well as compensation for loss of time, which is fixed at fifty cents for every person who does not reside more than one mile outside the limits of the city.

Failure to appear or answer.

47. Every person, so summoned as a witness before the council or the committees who, without just cause, fails to appear at the time and place mentioned in the summons, when the compensation mentioned in the preceding article has been paid or offered to him, shall incur a fine of not less than four or more than ten dollars, or imprisonment not to exceed fifteen days.

Fine.

§ 3.—*Sessions of the Council.*

When to be held.

48. The council has the right, by resolution, to determine the place, within the limits of the city, where its sessions shall be held.

Quorum.

The quorum of the council is fixed by article 29.

Oath of office to be taken at first session.

49. At the first session of the council after the election, the newly elected members shall take the oath of office, if they have not already done so, and the members then present shall be competent to act, provided they form a majority of the council.

Swearing in of new mayor and by whom.

50. If the new mayor be present and has not previously been sworn, the first session of the council after the election shall be opened by the retiring mayor or, in his absence, by one of the old aldermen, who shall leave his seat as soon as the new mayor is sworn.

Chairman in absence of mayor.

In the absence of the mayor elect, the pro-mayor or an alderman shall take the chair and the council shall proceed to business.

Monthly sessions.

51. The council shall meet at least once a month to despatch the business of the city and shall hold its sessions on the day and at the hour which it shall determine by by-law, in the city hall or any other place in the city, which may be decided upon either temporarily or permanently.

Cannot be held after certain hours.

52. No session of the council or committees can lawfully be held if more than one hour has elapsed from the hour fixed by the by-law, or by special notice calling the meeting, to the opening of the session.

Sessions public, &c.

53. All the sessions of the council shall be public, except when the council shall have to judge any of its members for any reason whatsoever, in which case it shall, at the request of the member inculpated or of two aldermen, sit with closed doors.

Certain sessions private.

54. The council shall also sit with closed doors at the request of two members, when it has to judge the conduct of one of its officers or employees, or when it shall have tenders for public works or other objects before it, and when it shall have to decide upon granting licenses for the sale of intoxicating liquors.

Accusation against members to be in writing.

55. No personal accusation of a serious nature against any member by one of his colleagues shall be made otherwise than in writing.

Who presides at sessions.

56. The sessions of the council shall be presided over by the mayor, or in default of the mayor by the pro-mayor, or in default of both, by any member chosen from the aldermen present.

Maintenance of order. The presiding officer shall maintain order and decorum and decide questions of order, saving an appeal to the council.

Majority to decide. **57.** Every disputed question shall be decided by a majority of the votes of the members present, except in cases where the votes of two-thirds of the members of the council or of the members present are required.

Casting vote of mayor. The mayor may give his opinion, but may not vote except in the case of equal division of votes.

Bound to give it. In the latter case, the presiding officer shall be always bound to give the casting vote, giving his reasons therefor if he so please.

Member personally interested. **58.** No member of a council shall take part in the discussion of any question in which he has a personal interest, under this act, in case of contestation.

Decision as to interest. The council, in case of dispute, shall decide, without appeal, whether the member has or has not a personal interest in the question; and such member shall have no right to vote on the question of his interest a though he may explain why he should not be recusable.

Adjournment **59.** If there be a quorum, any ordinary or special session may be adjourned by the council to any other hour of the same day, without it being necessary to give notice of the adjournment to members not present.

Adjournment for want of quorum. **60.** When there is no quorum at any regular or special or adjourned session, any two members of the council may adjourn the session for the space of one hour.

Entry to be made. The hour of adjournment and the names of the members of the council present, shall be entered in the minutes of the sitting, in the book of the proceedings of the council.

Fine upon absent members. Unless it be otherwise decreed by the by-laws, members who are absent from the session, and who are also absent at the time of such adjournment, may be condemned by the members present to a fine not exceeding five dollars.

Special notice required. However, such fine shall not be imposed unless a special notice of the adjournment has been given by the secretary-treasurer to the members whose absence is repeated as aforesaid.

Service how established. The service of such notice shall be established, when the adjourned session is resumed, in the same manner as in the case of a special session, and the absence of service of such notice shall render null all proceedings adopted at such part of the adjourned session.

Fines may be imposed to compel mem- **61.** The council may, by by-law, compel the members of the council or of the committees to perform their duties,

and impose fines on them for neglect or omission in the performance of their duties. *bers to the performance of their duties*

62. The council may, by by-law, determine the order in which its business shall be despatched. *Order of business.*

63. The council may also pass by-laws for the maintenance of order during its sessions, and by such by-laws, impose a fine not exceeding twenty dollars or an imprisonment not exceeding fifteen days in default of payment, for any contempt by the members or persons present at the ses·ions. *Maintenance of order.*

In the case of disorderly conduct or reprehensible language, the mayor or presiding officer may inflict the above punishment on the spot; the sentence shall be pronounced *instanter* and the order for arrest and commitment may be given and executed at once. *Fines on persons disturbing.*

64. The mayor or presiding officer may give orders to expel from the council room, until the adjournment of the session, any member who shall persist in his reprehensible conduct after having been called to order. *Expelling offenders.*

However, the order of expulsion cannot be given or executed unless a motion to that effect is adopted by at least three-fourths of the members present. *Authorization required.*

Such motion shall always be in order and shall be moved and decided without debate. *Motion to be always in order.*

65. The mayor may, if necessary, convene special sessions of the council. *Special sessions.*

Whenever two members shall desire to have a special session, they shall apply to the mayor to have one called, and, if the mayor be absent from the city or refuse to act, they may convene it themselves by specifying, in a written document addressed to the secretary-treasurer, the object for which they convene the session, and the day and hour at which they wish to have it held. *If mayor refuse to call.*

The secretary-treasurer shall be bound, on receipt of such notification, to call the session and give notice thereof to all the members of the council other than those who convene it and mention the names of the latter. *Notice to be given of calling such.*

66. Every notice of the calling of a special session of the council shall be given by the secretary-treasurer, at least twenty-four hours before the time fixed for the session. *Delay upon such notice.*

67. At a special session, the subjects or matters mentioned in the notice calling the council together shall alone be taken into consideration. *What to be considered.*

Entry to be made in minutes.

The council, before proceeding to business at such session, must set forth and declare, in the minutes of the sitting contained in the book of its deliberations, that the notice of meeting has been served upon all the members.

Closing of meeting in certain case.

If it appear that the notice of meeting has not been served on all the members, the session shall be immediately closed.

SECTION V.

OFFICERS OF THE COUNCIL.

§ 1.—*General provisions.*

Appointment of officers, &c.

68. The council may, in its discretion, appoint, dismiss and replace, all such officers, employees, constables and policemen as are necessary to carry out the laws, by-laws and ordinances, and allow them for their services such salary, remuneration and compensation as it may deem fit.

Rural inspector.

69. It may appoint a rural inspector, who shall be subject to the provisions of the Municipal Code governing rural inspectors, *mutatis mutandis.*

Certain officers to take oath.

70. After their appointment and before entering into office, the recorder, assistant recorder, municipal officers or employees, constables, officers or men of the police force and other officials, shall take oath to well and faithfully perform the duties of their respective offices.

Effect of omitting to take oath.

The omission during ten days to take such oath of office, shall constitute a refusal to accept the office for which the oath is required.

Security.

71. The council may require of all persons employed by it, in any capacity whatsoever, such security as it may deem sufficient to secure the due execution by such persons of the duties which devolve on them.

Term of office of officers.

72. All officers and employees of the council, shall remain in office only during good pleasure.

Removal.

The council may remove them without any other compensation than the proportion of their salaries or appointments due at the time of their removal.

Duties may be defined, &c.

73. The council may, by by-law, define the duties, not defined by this act, of its officers, employees, police officers and constables, and impose penalties or fines upon them for neglect in the performance of their duties.

Majority may perform acts.

74. Whenever an act or proceeding must be executed by more than two municipal officers, it may be validly ex-

ecuted by the majority of such officers, save in special cases otherwise provided for.

Return of papers, &c., by an officer.

75. Every municipal officer, who has ceased to discharge the duties of his office, shall be bound to deliver, within eight days next following, to the mayor, or at the office of the council, all the moneys, keys, books, papers, insignia, documents, archives and things belonging to the council.

Return of papers, &c., by representatives.

76. If any municipal officer dies, or absents himself from the city, his representatives or heirs shall be bound, within one month from his death or absence, to deliver to the mayor or at the office of the council the moneys, keys, books, papers, insignia, documents, archives and things belonging to the council, and which he had in charge in the execution of the office so held by him.

Revendication to recover papers, &c.

77. In the case of the two preceding articles, the council shall be entitled, in addition to any other legal recourse whatsoever, to recover, by process of revendication, from such officer or his representatives, all such moneys, keys, books, insignia, archives or things, with costs and damages.

Other recourse.

The council may exercise the same rights and obtain the same remedy against all other persons having in their possession, and refusing to deliver up such things.

Coercive imprisonment.

78. In the exercise of its legal rights and recourse provided for in the preceding article, the council may conclude for coercive imprisonment which may be ordered against the defendant who has been condemned.

Report by secretary-treasurer and other officers.

79. The secretary-treasurer, and all other officers and employees of the corporation, shall make an accurate report in writing, and in the manner determined by the council, to the council or any authorized person, upon all matters connected with their respective duties, and shall render an account of the moneys collected by them and of those expended or disbursed by them, for the council and under its control, specifying the objects for which such moneys were so paid or disbursed.

Action to account.

80. The council may bring an action to render an account against any employee responsible for corporation moneys, and who shall, if need be, be condemned to render account, to pay the sum which he shall be declared to owe, with interest and costs of suit.

Coercive imprisonment.

Every such judgment shall carry with it coercive imprisonment, and shall not stay criminal proceedings for malversation, embezzlement or other offences.

Opening of doors.

81. The mayor or justice of the peace may, by a special written order signed by him, authorize any person charged with the execution in the city of a writ of seizure, arrest, summons or sale in municipal matters, either civil or criminal, to open the doors of the houses or buildings which he may find closed, or the entry whereof is refused him, and may also, in virtue of the same order, require the assistance of all such other persons as he may deem expedient; and the costs incurred upon such proceedings shall be levied in virtue of the same warrant or writ.

Resistance to be *rebellion en justice*.

82. Whosoever refuses to allow any person, appointed to effect the seizure or sale of moveable property or effects contained in a house, to enter the same is guilty of resistance of justice (*rebellion en justice*) and may be condemned by the mayor or any justice of the peace to an imprisonment which shall not exceed thirty days.

§ 2—*Secretary-treasurer or clerk of the city.*

Secretary-treasurer.

83. The council shall always have an officer as keeper of its office and archives.

Other name may be given.

Such officer shall be styled the "secretary-treasurer," but the council may replace such name by that of "city clerk."

His functions.

84. The secretary-treasurer shall be the keeper of all the books, registers, plans, maps, archives and other documents and papers, which are either the property of the council, or are produced, filed and preserved in the office of the council.

Not to deliver up books.

He shall not divest himself of the custody of such archives, except with the permission of the council, or upon an order of a competent tribunal.

Duties.

85. He shall attend at all sessions of the council, and draw up minutes of all the acts and proceedings thereof in a register kept for that purpose and called "register of proceedings."

Minutes.

86. All minutes of the sittings of the council shall be signed by the president and countersigned by the secretary-treasurer.

Notes of amendments of by-laws.

87. Whenever a by-law or a resolution is amended or repealed, mention shall be made thereof in the margin

of the register of proceedings, opposite such by-law or resolution, together with the date of the amendment or repeal.

Collects funds.

88. The secretary-treasurer or treasurer shall collect and have charge of all moneys due or payable to the corporation.

Banks funds.

He shall deposit all the funds of the city, in a corporate bank, and they shall not be withdrawn therefrom, except for municipal purposes authorized by the council upon a chèque signed by the mayor and secretary-treasurer.

Pays out on orders.

He shall not pay out any of the funds of the city, except upon an order of the council, and upon a written order signed by the mayor or two members of the finance committee.

Order to be proof of payment.

Such order, in the hands of the secretary-treasurer or treasurer, shall be *prima facie* evidence that the amount therein mentioned has been paid.

Books of account.

89. The secretary-treasurer or treasurer shall keep, in due and proper form, books of account, in which he shall enter by order of date, each item of receipt and expenditure, mentioning the persons who have paid moneys into his hands or to whom he has paid any.

Vouchers.

He shall keep in his office all vouchers for expenditure.

Secretary under penalty not:

90. No secretary-treasurer or treasurer shall, under a penalty of twenty dollars for each infraction:

To grant discharges without payment.

1. Grant discharges to rate-payers or other persons indebted to the corporation for municipal taxes or other debts, without having actually received in cash, or in lawful value, or in accepted bank chèques, the amount mentioned in such discharges.

To lend corporation funds.

2. Lend, directly or indirectly, by himself or by others, to rate-payers or other persons whatsoever, moneys belonging to the corporation.

Books to be open for inspection.

91. The secretary-treasurer's or treasurer's books of account and vouchers for his expenditure, together with all the registers or documents in his possession as archives of the council, shall be open for inspection and examination during office hours to all rate-payers of the municipality, or their attorneys.

Copies to be furnished on payment of fees.

92. The secretary-treasurer shall be bound to deliver, upon payment of the fees fixed by the council and payable to the municipal treasury, to any person applying for the

same, copies or extracts from any book, roll, register, document or other paper, which forms part of the archives.

Authenticity thereof.

Such copies or extracts, when certified by the secretary-treasurer, shall be authentic.

Account in detail to be rendered.

93. The secretary-treasurer or treasurer shall render an account in detail of his receipts and expenditure whenever he is called upon by the council to do so.

Annual report to be published.

He shall publish every year, over his signature and that of the auditors, a report covering all the financial transactions of the corporation during the twelve months from the first of January to the thirty-first of December of each year.

§ 3—*Auditors.*

Their appointment.

94. At the first session of the council after the annual elections, or as soon as possible at the commencement of the fiscal year, the council shall appoint two auditors selected from amongst the rate-payers, who are not members or officers of the council, and who have no contract or bargain therewith.

When to audit accounts.

95. The auditors shall, as often as the council may require, audit the receipts and expenditure of the secretary-treasurer or treasurer who is bound to account, as well as all the financial operations of the council.

Annual report.

96. They shall further send in an annual report to the council at least five days before the date of the elections, under penalty of forfeiting their fees or indemnity, and without prejudice to the penalty incurred by them.

§ 4.—*Valuators.*

Their appointment and duties.

97. The council may appoint valuators or assessors whose powers, rights, duties and obligations are set forth in articles 507 and following of this act as well as article 610.

TITLE II.

PERSONS QUALIFIED OR DISQUALIFIED FOR, OR EXEMPT FROM DISCHARGING MUNICIPAL OFFICES.

SECTION I.

PERSONS CAPABLE OF DISCHARGING MUNICIPAL OFFICES.

Who may fill municipal offices.

98. Every male resident of full age in the city, not declared disqualified by a provision of this act, shall be capable of discharging a municipal office therein.

SECTION II.

PERSONS DISQUALIFIED FOR MUNICIPAL OFFICES.

99. The following persons shall not be elected mayor, or alderman nor perform the duties thereof; nor be appointed to nor fill municipal offices: Persons disqualified.

1. Minors;

2. Persons in holy orders, and the ministers of any religious denomination;

3. Members of the privy council;

4. The judges or magistrates receiving pay from the Federal or Local Governments or from the city;

5. Officers on full pay of Her Majesty's army or navy, and the officers or men of the police force;

6. Keepers of taverns, hotels or houses of public entertainment, or persons who have acted as such within the preceding twelve months;

7. Whosoever has no domicile or place of business in the city for at least one year previous to the election or nomination;

8. Whosoever receives any pecuniary allowance or other consideration from the corporation for his services, or having, directly or indirectly, by himself or his partner any contract with the corporation, except in the case provided for in article 139;

Nevertheless a shareholder in any incorporated company, which has any contract or agreement with, or which receives a bonus from the corporation, shall not be disqualified from acting as a member of the council; but he shall be deemed to be interested if any discussion should arise before the council or a committtee with reference to any measure relating to such company;

9. Whosoever has not paid all his municipal dues, with the exception of such amounts as may have to be made up, owing to involuntary error or omission;

10. Whosoever cannot read or write fluently; it shall not suffice that he can read print or write his name, or even do both;

11. Aliens;

12. The officer presiding at the election, or any person employed by the council or by such presiding officer in connection with an election;

13. Any person convicted of treason or felony by any court of justice;

14 Persons who are responsible for moneys belonging to the city, or who are sureties for any employee of the council.

Qualification of mayor, &c.

100. No one can be elected or appointed mayor, alderman, valuator or auditor, unless he possesses in the city for at least twelve months, as owner, in his own name, real estate to the value of one thousand dollars for the office of mayor, and five hundred dollars for that of alderman, auditor and valuator, after deduction of all debts affecting such real estate, the value whereof shall be established according to the valuation roll.

Production of qualification.

101. Upon a written demand made by a member of the council, before the council, to the mayor or any alderman present, such mayor or alderman shall, within the eight days following, give in writing and under oath, and deposit in the office of the council, a declaration of qualification containing the description of the real estate in virtue of which he is qualified to sit.

Sureties for officers also disqualified from being members of council.

102. No person, surety for any secretary-treasurer or for any municipal employee, shall be a member of the council of which such secretary-treasurer is the officer, before he is freed from all obligations to the corporation arising from his bond as surety.

Notice to be given in case disqualification arises during incumbency.

103. Whoever has been appointed to any municipal office for which he becomes disqualified during his exercise of such office, shall give, without delay, at the office of the council, a notice alleging the reasons of his disqualification and tendering his resignation.

Penalty for default.

Until such formality is accompli hed, such person shall be deemed to have continued in the exercise of such office, and shall be liable to all fines, prosecutions and other rights of action prescribed or authorized by this act.

Vacancies in certain cases.

104. If the disqualification of a person appointed to a municipal office is notorious or sufficiently established, the council may by resolution declare the office of such person vacant, saving any recourse on the part of the person appointed.

Filling thereof.

The vacancy shall then be filled in the ordinary manner, and within the delay prescribed.

Alderman to resign before being nominated as mayor.

105. An alderman cannot be nominated as mayor, unless he has previously tendered his resignation as alderman.

SECTION III.

PERSONS EXEMPT FROM MUNICIPAL OFFICES.

Persons exempt.

106. The following persons are exempt from any municipal office :

1. Members of the Senate, of the House of Commons, of the Executive Council, and of the Provincial Legislature ;

2. All civil functionaries, the employees of the Federal Parliament and of the Provincial Legislature, and militia officers ;

3. Advocates, notaries, land surveyors, physicians, apothecaries and teachers, engaged in their respective professions ;

4. Licensed pilots, persons engaged in navigation, and millers ;

5. Persons of over sixty years of age ;

6. Gaolers and keepers of houses of confinement, of correction, or of reformatory schools ;

7. All persons employed on railways.

107. Any person, having discharged any office under the council during the two years next preceding, may refuse to accept any office whatever under the same council during the two years next after such service.

Persons having discharged office previously.

108. Any person, who shall be appointed to a municipal office from which he is exempt, shall, in order to avail himself of such exemption, serve upon the secretary-treasurer a special notice to that effect, within the ten days following the notification of his election or appointment, or the day when he shall become exempt from filling such office, if he already has one.

Notice required if exemption to be claimed.

In default of his so doing, he may no longer claim his exemption.

Effect of default.

TITLE III.

MUNICIPAL NOTICES.

109. Every notice given, under the provisions of this act, of the orders of the council, or for municipal purposes, shall be drawn up, and published or served, in accordance with the formalities prescribed in the following articles.

Notices how given.

110. Every notice is either special or public, and shall be given in writing or be printed.

Nature of notices.

Public notices shall be published ; special notices shall be served.

How to be given.

111. Every copy of a notice which must be served, published or posted up, shall be attested either by the person who gives such notice or by the secretary-treasurer.

Attestation of certain notices.

Certificate of publication, &c.

112. The original of every notice shall be accompanied by a certificate of publication or of service, made by the person publishing or serving the same.

Original to be returned to office of council.

The original of such notice and the certificate which accompanies it, shall be filed, by the person who has given the notice, in the office of the council, to form part of the municipal records.

How special notice to be served.

113. Except in the case where the service is made by mail under article 115, the service of a special notice shall be effected by leaving a copy of the notice with the individual to whom it is addressed, in person, or with a reasonable person at his domicile, or at his place of business, even when occupied by him in partnership with some other person, during business hours.

Appointment of agent by absentees.

114. Every owner of land or rate-payer, domiciled without the limits of a municipality, may, by a special notice filed in the office of the council, appoint an agent to represent him for all municipal purposes.

Limitation of powers of agent.

Such agent, however, cannot represent his principal for the purposes of municipal elections, nor of voting on by-laws submitted for the approval or disapproval of the electors who are proprietors under articles 294 and following.

Services upon agent.

115. The special notice addressed to an absent proprietor or rate-payer, who has appointed an agent residing in the municipality, shall be served on such agent.

Services if no agent appointed.

If an agent has not been appointed, the notice shall be served by lodging in the post office of the city a copy thereof in a sealed and registered envelope addressed to the absent proprietor or rate-payer.

Absent proprietors not entitled to notice except in certain cases.

116. No one is bound to give a special notice to any absent proprietor or rate-payer who has not appointed an attorney or agent, unless such proprietor has made known his address in writing by filing the same in the office of the council.

When special notices to be served.

117. Special notices cannot be served, except upon juridical days and between the hours of seven in the morning and seven in the afternoon.

Posting in lieu of service in certain cases.

118. If the doors of the domicile or place of business, where service of a special notice should be made, are closed, or if there is no reasonable person therein, service is effected by affixing a copy of the notice on one of the doors of the domicile or place of business.

119. The intermediate delay, after special notice, shall run from the day on which such notice was served, exclusive of such day and of Sundays.

Delays on notice.

120. The publication of a public notice for municipal purposes shall be made by posting up a copy of such notice at two different places in the city, from time to time determined on by resolution of the council.

How notices to be posted.

In default of places determined upon by the council, the public notice shall be posted upon or near the principal door of at least one place of public worship, or in the public hall of the post-office and on the portion of the secretary-treasurer's office devoted to the public.

121. Public notices which have to be published in the newspapers, shall be inserted only in one French newspaper in the city.

Publication of public notices.

122. Except in cases otherwise provided for, the intermediate delay after a public notice, shall date from the day on which such notice has been made public.

Delays on public notices.

If it is ordered that the notice must be published in a newspaper, the intermediate delay shall date from the day of the first insertion of such notice in the newspaper.

How to be computed.

In all cases the day on which the notice was made public shall not count.

Certain day not to count.

123. Public notices shall be applicable to and binding upon proprietors or rate-payers domiciled out of the city in the same manner as upon residents, except in cases of expropriation and other cases otherwise provided for.

Public notices applicable to all.

124. Any person who has acquiesced in that which is required by a notice, or who has, in any manner whatsoever, become sufficiently acquainted with its tenor or object, shall not thereafter avail himself of the insufficiency or informality of such notice, or of the omission of its publication or service.

Acquiescing in notices.

TITLE IV.

MUNICIPAL ELECTORS.

SECTION I.

ELECTORAL QUALIFICATIONS.

125. In order to be a municipal elector and as such to have the right to vote at the election of mayor and

Qualification of municipal electors.

aldermen, and to exercise all the rights and privileges conferred upon municipal electors by the provisions of this act, a person must fulfill the following conditions at the time be exercises such right or privileges :

1. He must have attained the age of majority and be a British subject ;

2. He must have been in possession in the city, either in his own name or in that of his wife, as shown upon the valuation roll as proprietor of real estate of the real value of at least one hundred dollars, or as tenant farmer or lessee or as occupant by any title whatsoever, of real estate of the annual value of at least eighteen dollars ; or

3. He must be in receipt of an annual salary of at least three hundred dollars ;

4. He must have paid all municipal dues, both in his own name and in that of his wife, before the fifteenth of December preceding an election or previous to his giving his vote, and

5. He must be entered on the list of municipal electors, or, in default of such list, on the valuation and assessment roll.

Partners, &c.

126. Every partner in a firm or non-incorporated company is also an elector and, as such, has all the rights and privileges inherent in municipal electors, in virtue of the preceding article, if the interest or share which he owns in such firm or company, or the revenues, salary or profits which he derives therefrom, are sufficient to qualify him as an elector under the preceding article.

SECTION II.

LIST OF MUNICIPAL ELECTORS AND ITS REVISION.

Voters' list.

127. Before the thirty-first of December in each year, the secretary-treasurer shall make, for each ward in the city, an alphabetical list of the names of the persons who, according to the books, appear to have paid all their municipal dues on the fifteenth of December previous, inclusively, and who have not forfeited their rights as electors.

Deposit thereof.

128. After having drawn up such lists, and certified their accuracy at the foot thereof, the secretary-treasurer shall deposit them in the office of the council.

Notice of deposit.

129. The secretary-treasurer shall forthwith give public notice stating that such lists are filed in his office, and they shall there remain open to the examination of the parties

interested or their representatives, during the ten days next after the date of such notice.

Complaints.

130. In such space of ten days, any person having any ground of complaint in respect of such lists or of any one of them, personally or for another, may complain thereof, by giving to that end a written notice to the secretary-treasurer specifying the grounds of his complaint

When to be made.

131. No application for the insertion on or striking of a name from such lists shall be accepted, in the office of the secretary-treasurer, after four o'clock in the afternoon of the tenth day after the date of the notice mentioned in article 129.

Hearing of complaints before revisors appointed for that purpose.

132. At seven in the evening of the last of the ten days mentioned in the previous article, a board of revisors composed of three members of the council, previously appointed by the council for the purpose, or, in default of the council, by the mayor, shall proceed to the revision and amendment of the lists, in the office of the council.

Board to act together.

133. Such three revisors shall act together under their oath of office as councillors, and under the chairmanship of of one of them.

Secretary of board.

The secretary-treasurer shall act as secretary of the revisors.

Appointment of other board, if first does not act.

134. If the three revisors do not meet, the mayor may appoint others who shall meet on the following evening, and from day to day at the same hour until the revision of the lists be completed.

Revision by secretary-treasurer.

In default of the revision and completion of the lists as aforesaid, the secretary-treasurer shall, under his oath of office, revise and complete the same before the election.

Powers of board, &c.

135. The board of revisors or the secretary-treasurer, as the case may be, shall take into consideration the written complaints only, shall hear the parties interested, shall examine them together with their witnesses, under oath, maintain the lists or make the necessary additions and corrections thereto.

Correction of errors.

It may correct any errors and supply any accidental omissions made in such lists.

Who may administer oath.

The oath shall be administered to the parties and their witnesses by the chairman of the revisors or by the secretary-treasurer, as the case may be.

Notice to be served upon party whose

136. Every application for striking a name from the lists shall be served upon the party interested by a bailiff

name is to be struck.

or constable, and a return of the service shall be filed with the complaint before the revisors.

List to be signed and by whom.

137. The lists so revised shall be signed by the chairman of the board of revisors, countersigned by the secretary-treasurer and sealed with the seal of the council, or signed only by the secretary-treasurer, as the case may be.

Such lists to be then in force and for how long.

138. Such lists, to the exclusion of all others, shall be in force up to the entry into effect of the new lists drawn up in virtue of these provisions.

TITLE V.

GENERAL ELECTIONS.

SECTION I.

PRELIMINARY PROVISIONS.

Mayor to be elected for one year.

139. The mayor is elected for one year by the vote of the majority of the municipal electors of the city.

His salary.

The council may allow him an indemnity not exceeding five hundred dollars per annum.

Aldermen for two years.

140. The aldermen are elected for two years in each ward by the majority of the votes of the municipal electors of the ward.

Retiring of aldermen.

141. One half of the aldermen go out of office each year.

How to be replaced.

The order in which they are at present replaced shall continue to be observed.

When duties to cease.

142. The duties of the members of the council who go out of office shall cease at the opening of the first general or special session held after the annual elections.

When duties of new members commences.

143. The duties of the newly elected members commence from the moment they are sworn.

SECTION II.

DATE OF THE ELECTIONS.

When to be held.

144. The general elections shall be held annually in the month of January.

145. The nomination of the candidates shall take place on the third Monday of January, at the hour of ten in the forenoon, in a room in the city hall if no other place be designated by the council.

Nominations when and where to be held.

146. When a poll shall be necessary, it shall be held on the fourth Monday of January from the hour of nine in the morning to five in the evening.

Poll when and where to be held.

SECTION III.

HOLDING OF ELECTIONS.

§ 1.—*Convening the electors.*

147. At least eight days before the nomination of candidates for the office of mayor and aldermen, public notice shall be given by the mayor or in his default by the pro-mayor, and in default of both by the secretary-treasurer, announcing such election, and calling together a general meeting of the electors for the nomination.

Notice of elections.

148. The omission to give such public notice, shall not prevent the meeting of the municipal electors from being held; but the persons who have neglected to give such notice, shall each incur a fine of twenty dollars payable to the corporation.

Meeting to be held although no notice given.

Penalty for not giving notice.

§ 2.—*Presiding officer and election clerk.*

149. The council shall appoint one of its members to preside at the election, in default of which the secretary treasurer shall *ex-officio* preside at every municipal election.

Appointment of officer to preside.

150. The presiding officer shall appoint an election clerk to assist him in the performance of his duties relative to the elections; and if the presiding officer be absent or unable to act, the election clerk shall perform the duties of the presiding officer and be liable to the same fines.

Election clerk and his duties.

The election clerk shall make oath to well and faithfully perform the duties of his office.

His oath.

151. The presiding officer shall preside at the general meeting on nomination day and shall remain, as much as possible, at the city hall on polling days.

Duty of presiding officer.

152. The presiding officer shall act as such under his oath of office as member or officer of the council.

Acts on oath of office.

Powers as justice of the peace.

153. He shall have the same powers as a justice of the peace, and may exercise the same throughout the municipality, from eight o'clock in the morning of the nomination day until nine o'clock of the following morning if there be no poll.

In the contrary case, he may exercise the same until nine o'clock in the morning of the second day after the polling.

Duty of presiding officer at opening of meeting.

154. At the opening of the meeting, the presiding officer shall read the notice convening the meeting, if such notice was published, and, if otherwise, he shall inform the electors of the object of the meeting.

§ 3.—*Nomination of candidates and election by acclamation.*

Nomination of candidates.

155. The presiding officer receives the nomination papers, and nominates the candidates proposed by such nomination papers.

Contents of nomination paper.

156. The nomination paper shall contain the names, surnames, quality and residence of each candidate.

Number to sign for mayor,

If for the office of mayor, it shall be signed by at least twenty-five electors of the city qualified to vote at such election.

For alderman.

If for the office of alderman, it shall be signed by at least twenty electors qualified to vote in the ward for which one or more aldermen are to be elected.

Attestation of signatures.

157. The nomination paper shall be accompanied by an affidavit by a rate-payer, other than the candidate, who shall attest the same under oath before the presiding officer, the secretary-treasurer or a justice of the peace, setting forth that the signatures to the said paper, or at least the required number thereof, have been affixed in his presence.

Nomination paper may be examined for certain purposes.

158. The presiding officer shall, at the request of any elector, ascertain whether a sufficient number of quelified electors have signed the nomination paper.

Corrected.

If the number be insufficient, the paper may be corrected, provided there be time enough to do so.

Admitted if not objected to.

If no revision be applied for or made within the proper time, the nomination paper shall be admitted for all lawful purposes.

Unopposed candidates.

159. If, at the expiration of one hour from the opening of the meeting, there be nominated only the number of candidates required for any of such offices, such candidates

are elected *ipso facto*, and the presiding officer shall pronounce them so elected.

Polling.

160. If more than the required number of candidates be nominated, an election shall be held for such office in the manner required by this act.

Voting limited to persons nominated.

No one can be voted for and elected unless he has been previously nominated as aforesaid.

Appointment by council.

If no candidate is nominated, the council may make such nomination at its first session.

Publication of names of candidates.

161. The secretary-treasurer shall publish the names of the candidates nominated for each ward and also of those nominated for mayor, by means of a notice posted up on the door of his office in the city hall, from the nomination day to the polling day.

Resignation of candidates.

162. Any candidate who has been nominatad as member of the council may hand in his resignation to the presiding officer by a written document signed in the presence of two witnesses and of the presiding officer.

Effect on election.

If there remain but one candidate for the office to be filled, there shall be no poll and the polling shall cease if it has been commenced.

Proclamation of remaining candidate.

In either case, the presiding officer shall declare the only remaining candidate elected by acclamation and shall publish a notice to that effect.

SECTION IV.

POLLING.

§ 1.—*Election officers.*

Appointment of other election officers.

163. In addition to the presiding officer and election clerk appointed under articles 149 and following, other election officers shall be appointed as hereinafter provided.

Deputy-presiding officer.

164. If the council has not already done so, the mayor or presiding officer shall appoint a deputy-presiding officer for each ward in which a poll is to be held.

Poll-clerks.

He may also appoint a poll-clerk for each poll.

Oath.

Both these officers shall take the oath of office.

Appointment of replacing officers in certain cases.

165. If one of the deputy-presiding officers or poll-clerks should die or become unable to perform the duties of his office through illness, absence or other cause, or should he refuse to accept such office or to perform the duties thereof, the presiding officer shall at once appoint

another deputy-presiding officer, or the latter shall appoint another clerk as the case may be.

Services of presiding officer gratuitous.
Payment of other officers.

166. The presiding officer shall perform his duties without remuneration.

The deputy-presiding officers shall be paid four dollars, and the poll-clerks two dollars.

Fine on officers infringing act.

167. Every person acting as deputy-presiding officer or poll-clerk at any poll, who shall infringe the provisions of this act by receiving and registering any vote which is declared inadmissible, shall, for each offence, incur a fine of one hundred dollars, and, in default of payment, an imprisonment of two months.

§ 2.—*Polls.*

Polls when and where established.
Notice to be given.

168. Polls shall be established in each ward where an election is to be held.

The presiding officer shall in due time select the places required for the purpose of establishing polls therein, and shall be bound to indicate and make known the same by means of a public notice, which shall be published and posted up on the door of the poll at least three days before the voting and in the office of the corporation.

Poll for mayor where to be held.
Of alderman for whole city.

169. If the election be only for the purpose of electing a mayor, the poll shall be held in the municipal public hall.

The same shall likewise apply in the case of an election of a single alderman in the whole city.

Where electors to vote for mayor.

170. At every election for the office of mayor, the electors of the wards where there is no alderman to elect, shall vote at the polls which may be established either in the municipal public hall or at any other place indicated by the presiding officer.

Electors to vote only where qualified.
Proviso.

171. Electors shall only vote at the poll of the ward in which they are qualified as such.

If one elector is qualified to vote in more than one ward, he may vote for the election of aldermen, in each ward wherein he is so qualified; but as regards the election of mayor, he may only vote in the ward in which he resides or in one of the wards only wherein he is qualified, if he be non-resident and qualified to vote in several wards.

Voting to be at poll where entitled to vote.

172. The electors shall vote for one of the candidates for the office of mayor or alderman, at the poll where they are entitled to vote.

Votes shall, however, be given only when they are at least two candidates for the same office, and not for candidates who have been elected by acclamation.

No poll if candidates elected by acclamation.

173. Every municipal elector, who shall vote more than once at the election of the mayor or of the alderman for each ward wherein he is qualified to vote, shall incur, for each offence, a fine of twenty dollars or an imprisonment of two months.

Fine for voting twice.

174. In all cases, the qualification required of electors, shall be established by the list of electors, and, if there be no such list, by the valuation and assessment roll.

Proof of qualification.

The electors must, however, have paid all municipal dues as required by this act.

Payment of dues.

175. Within two days after the final addition of the votes, the presiding officer shall give special notice of his election to each member of the council who has been elected.

Notice to members elected.

176. The absence of such notice shall not have the effect of invalidating the election, nor of preventing the member elect from taking his seat.

Absence of notice.

177. The notice shall mention the date, hour and place which the presiding officer shall fix for the first session of the council after the elections, which session shall be held within the eight days following such elections.

Notice calling first meeting.

178. When a person shall have been elected, at the same time, mayor of the city and alderman for one of the wards thereof, he shall, within four days after the notice of his election, choose one of the offices.

Person elected mayor and alderman to choose which seat he will occupy.

179. When a person shall have been elected alderman for more than one ward, he shall, within the same delay, declare what ward he intends to represent, and in default of his so doing, the council shall declare which of such wards such person shall represent as alderman, and thereupon he shall be deemed to have been elected for such ward.

Proceedings if person elected for two wards.

In either of the two above cases, the office, which shall have been given up by the candidate, shall *ipso facto* become vacant, and the vacancy shall be filled by the council as soon as possible at a regular session.

Vacancy in other seat.

180. Within eight days next after the close of the election, the presiding officer shall draw up a faithful

Report on election to council.

report of his proceedings, and shall forward it to the office of the council, together with the original notice to the candidates elected, the certificates, poll-books and other papers, which have been in his possession as presiding officer of the election.

Documents to be certified.

Such various documents shall be certified as correct by him and shall form part of the archives of the council.

Expenses of elections.

The election expenses are paid by the corporation.

§ 3.—*Good order at elections.*

Additional powers of presiding officer.

181. In addition to the powers conferred upon the presiding officer by article 153 of this act, he shall, for the purpose of maintaining peace and good order, have the right and power to swear in as many special constables as he may deem advisable.

May require assistance.

182. The presiding officer or presiding officers may, for the same purpose, by a verbal or written order, require the assistance of any justice of the peace, constable or other persons residing in the city.

Licensed liquor shops, &c., to be closed during elections. Penalty.

183. Every house or shop within the city, licensed for the sale of spirituous or fermented liquors, shall be closed during the whole time the polls are open and during two hours after they are closed, under penalty of a fine of one hundred dollars or three months imprisonment in default of payment against any person keeping such house or shop open.

Gift of liquors also prohibited.

Whosoever sells or gives spirituous liquors, as aforesaid, during the election, shall be liable to the same penalty.

§ 4.—*Cases when the elections are not held on the day appointed.*

Provision if election not held at proper time.

184. If it happen that the annual general elections do not take place at the time specfied in this act, it shall be the duty of the aldermen who do not retire from office, or the majority thereof, to assemble without delay to fix the days on which the nomination and the holding of the poll shall be held.

Notice for election.

The days so fixed shall be the soonest possible, and public notice of the election shall be given one clear day before the nomination.

Fine on aldermen not complying with previous article.

185. If, within fifteen days next after that on which the general elections should have taken place, the aldermen who do not retire from office have not complied with the preceding article, they and each of them shall be liable to a fine not exceeding twenty dollars.

In such latter case, it shall be the duty of the mayor in office or of the person who shall have last discharged the duties of mayor, under a penalty of one hundred dollars, to fix the days of the election and to give the notice required by the preceding article.

Whose duty it then is to fix day for election.

186. In default to act, on the part of the mayor mentioned in the preceding article, the Lieutenant-Governor may name a person and direct him to do what is required of such mayor.

Appointment by Lieutenant-Governor for such purpose.

SECTION V.

BALLOT

§ 1.—*Preliminary formalities.*

187. When a poll is necessary for the election of a mayor or alderman, the presiding officer shall, at least two days before the voting, give to each of the deputy-presiding officers the list, or a copy of the list, of the electors who are entitled to vote at the polls for which the deputy-presiding officers are appointed, and deliver to each of them a ballot box to receive the ballot papers of the election.

Voters' list to be supplied to deputy-presiding officers and a ballot box.

188. Such ballot box shall be made of durable material, with lock and key, and a slit or narrow opening in the top, and so constructed that the ballot paper may be introduced therein, but cannot be withdrawn therefrom, without opening the box.

How ballot box is to be made.

189. The returning officer shall also furnish the deputy-presiding officer of each ward with a sufficient number of ballot papers to supply the number of electors entitled to vote at the poll for such ward, and with the necessary materials for voters to mark their ballot papers.

Ballot papers to be supplied.

All ballot papers shall be of the same description, for each ward.

To be all same for each ward.

190. The ballot paper of each elector shall be a printed paper, with an annex, without a line to the right of the names, specifying the names and description of the candidates, alphabetically arranged in the order of their surnames, or if there be several candidates with the same surname, in the order their christian names.

Description of ballot paper.

191. The names and description of each candidate shall be set forth on the ballot paper, as they shall have been set forth on the nomination paper.

Order of names on ballot paper.

Ballot for each member to be voted for.

192. Whenever, at any election, the electors are required to vote for more than one member of the council, there shall be a ballot paper for each member.

Color of ballot papers.

The ballot papers for the election of mayor shall be printed on white paper, and for the election of an alderman, on colored paper.

Number of ballot papers to be given to elector and proceedings by him.

193. Every elector shall receive from the deputy-presiding officer for the ward, in which he is to vote, as many ballot papers as he has votes to give; and every such elector, after marking his vote in the manner hereinafter prescribed upon each ballot paper, shall hand them all together and folded separately to the said deputy-presiding officer.

Directions for voting.

194. The presiding officer shall also furnish to each deputy-presiding officer, at least ten copies of printed directions for the guidance of voters in voting.

Posting of same.

The deputy-presiding officer shall, on the day of the voting, at or before the opening of the poll, cause copies of such directions to be posted up in some conspicuous place outside of the poll and also in each compartment of the poll.

Oaths of deputy and poll clerk.

195. The deputy-presiding officer and the poll clerk shall respectively take the oaths prescribed for them.

Before whom deputy may be sworn.

The deputy-presiding officer may take such oath before the poll-clerk.

Oaths to be annexed to statement.

The said oaths shall be annexed to the statement mentioned in article 231.

§ 2.—*Voting*.

Where voting shall take place.

196. The voting shall take place for each of the wards where a poll is to be held at the place determined by the presiding officer for the election, as aforesaid, in a room or building of convenient access, with a door for the admittance of the voters, and having, if possible, another door through which they may leave, after having voted.

Compartments in room.

197. One or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and may, without intimidation, interference or interruption from any person whomsoever, mark his ballot papers.

Persons to be present.

198. In addition to the deputy returning officer and the poll clerk, no persons, other than the candidates and their agents, not exceeding two in number for each candi-

date, shall be permitted to remain in the room where the votes are given, during the whole time the poll remains open.

In the absence of agents or representatives of any candidate, two electors may, on application to such effect, represent such candidate. *Absence of agents provided for.*

199. The agents or representatives of each candidate shall make oath, before the presiding officer or deputy-presiding officer, to keep secret the names of the candidates for whom the electors may mark their ballot papers in their presence. *Oath to be taken by agents, &c.*

200. At the hour fixed for opening the poll, the deputy presiding officer and the poll clerk shall, in the presence of the candidates, their agents, or the electors present, open the ballot box, and ascertain that there are no ballots or other papers in the same. *Proceedings previous to voting.*

The box shall thereafter be at once loked, and the deputy presiding officer shall keep the key thereof. *Box to be locked.*

201. Immediately after the box shall have been locked' the deputy-presiding officer shall call upon the electors to vote, and it shall be his duty to facilitate the admittance of every elector into the poll, and to see that he is not impeded or molested in or about the poll. *Commencement of voting.*

202. Each elector, being introduced, one at a time for each compartment, into the room where the poll is held, shall declare his name, surname and addition, which shall be at once recorded in a poll book to be kept for that purpose, in the usual form or such form as the council may adopt, by the deputy presiding officer or poll-clerk. *Mode of voting.*

203. If such name be found on the list of electors for such ward, the voter shall receive from the deputy presiding officer a ballot paper for each vote he has to give, on the back of which such deputy presiding officer shall have previously put his initials, and on the annex whereof, a number corresponding to that opposite the voter's name on the poll-book. *Delivery of ballot paper.*

204. * The deputy-presiding officer at each poll or his *Oath may be required.*

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* Section 13 of 23 Victoria, chapter 75, respecting the town of Sorel, contains the following :

"If any person, being examined upon oath or affirmation under this act, as to his qualification to be elected or to vote, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and, on conviction thereof, shall be subject to the same penalties as in other cases of wilful and corrupt perjury." *False swearing to be perjury.*

clerk may, and, if thereunto required by a candidate or his representative or by an elector, shall, tender to any person who presents himself and asks for a ballot paper the following oath or affirmation:

Form of oath. "You swear (*or* affirm) that you are a subject of Her Majesty;

That you are of the full age of twenty-one years;

That your name is the same as that entered on the assessment roll (*or* on the voters' list if there be one;)

That you have a right to vote at this election;

That you have not voted before for the office or offices to be filled at this election;

That you have not been guilty of any corrupt practice which disqualifies you from voting at this election;

That all your municipal assessments taxes and dues which were exigible were paid on or before the fifteenth of December last;

That you have not received or been promised any thing for yourself, either through your wife or through any member of your family, or any of your friends, either directly or indirectly, to induce you to vote at this election, and that you have not already voted at this election, (of mayor *or* alderman for this ward, as the case may be;)

That you have not acted nor intend to act in the interest of any candidate at this election, either as paid carter or paid canvasser, with a view of obtaining any thing for your trouble: So help you God."

Refusal to swear. **205.** No ballot paper shall be given by the deputy-presiding officer to any elector, who shall have refused to take the oath or affirmation mentioned in the preceding section, when thereunto required, or who, having taken the same, shall not have answered in the manner prescribed, nor shall he be allowed to present himself again to vote at the same election.

Oath exacted by deputy-presiding officer. **206.** Whenever any deputy-presiding officer has reason to know or believe that any person presenting himself to vote, has already voted at the election, or that such person desires to vote under a false name or designation, or falsely gives himself out or represents himself as entered upon the list of electors, such deputy-presiding officer, whether he be required to do so or not, shall administer to such person the oath or affirmation authorized by law.

Preparation of the ballot paper. **207.** The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments of the poll, and there shall mark his ballot paper, making a cross with a black lead pencil, opposite the name of the candi-

date for whom he intends to vote, after which he shall fold it up so as to conceal his mark and hand it to the deputy presiding officer.

Deposit of ballot in box.

208. Such officer shall ascertain by examination of his initials and of the number, without unfolding the same, that such ballot paper is the same supplied by him to the voter, and, after having detached and destroyed the annex, he shall immediately, and in the presence of the voter, place the same in the ballot box.

Entries in poll book.

209. The poll clerk shall enter in the poll book, opposite the name of each elector presenting himself to vote, and in the order in which they present themselves :

1. The word "voted," as soon as the elector's ballot paper shall have been deposited in the ballot box ;
2. The word "sworn" or "affirmed," if the elector has taken the oath or affirmation ;
3. The words "refused to be sworn" or "refused to affirm," if the elector has refused to take the oath or affirmation ;
4. And shall designate, by a special mark on the list of electors, the names of those who have voted.

Aid in preparing ballot papers, &c.

210. The deputy-presiding officer, on application of any voter who is unable to read or write, or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this act, shall assist such voter who shall declare his incapacity as aforesaid, under oath to be taken before the deputy-presiding officer or his representative :

1. By marking his ballot paper in favor of the candidate mentioned by such voter in the presence only of the sworn agents or of the sworn electors as the case may be ; and
2. By placing such ballot paper in the ballot box.

Mention thereof in poll book.

Whenever a voter shall have had his ballot paper prepared in conformity with this article, mention of the fact shall be made in the poll book opposite to the name of the elector.

Votes of election officers.

211. Any person, who is entitled to vote for mayor in one of the wards of the city and who has been appointed deputy-presiding officer, or poll clerk, or agent of one of the candidates, for a ward other than the one where he is entitled to vote, shall, on request, receive from the presiding officer, a certificate showing such right to vote and authorizing him to vote at the poll where he shall be employed.

Manner of voting.

212. On the production of such certificate, such person may vote in the usual manner at such poll, instead of voting at the poll where he would otherwise have been entitled to vote.

Entry in poll book.

Mention shall be made in the poll book, opposite the name of such voter, of the fact of his having voted under this article.

Spoiled ballot paper.

213. If an elector has inadvertently marked, spoiled or torn the ballot paper given him, in such manner that it cannot be conveniently used, he may, on delivering the same to the presiding officer, obtain another ballot paper.

Elector to apply only once for ballot papers.

214. The elector who presents himself at the poll shall, on applying therefor, be given the number of ballot papers required but he shall not repeat his request for the purpose of obtaining ballot papers separately, after having withdrawn with a single ballot paper or upon an objection already entered in the poll-book against his request.

Vote tendered after previous vote in same name.

215. If a person, representing himself to be a particular elector named on the list of electors, applies for a ballot paper after another person has voted as such elector, the applicant, upon taking the oath specified in article 204, shall be entitled to vote as any other elector.

Entry in poll book.

Mention shall be made in the poll-book of the fact, as well as of the oath taken by such voter, as well as of any objections made to such vote by entering the name of the candidate on whose behalf such objections have been raised.

Interpreter.

216. Whenever the deputy presiding officer shall not understand the language spoken by any elector claiming to vote, he shall swear an interpreter.

Delay to be avoided.

217. Every elector shall vote without undue delay and shall quit the poll as soon as his ballot paper or ballot papers have been put into the ballot box.

Taking ballot paper away prohibited.

218. No elector shall be allowed to take his ballot papers out of the poll under the penalty of being *ipso facto* deprived of his vote, and further of incurring a penalty not exceeding one hundred dollars or imprisonment not exceeding three months in default of payment.

Exhibiting it also prohibited.

219. No person shall, directly or indirectly, induce any voter to display his ballot paper or papers after he has marked the same, so as to make known the name of the candidate for or against whom he has so marked his ballot paper.

Interference prohibited.

220. With the exception of the case of article 210, no person shall interfere with, or attempt to interfere with a voter when preparing his ballot paper, or otherwise make any attempt to obtain at the poll information as to the name of the candidate for whom any voter at such poll is about to vote or has voted.

Secrecy as to voting.

221. Every election officer, candidate, agent and elector, in attendance at a poll, shall maintain and aid in maintaining the secrecy of the voting at such poll.

As to ballots applied for.

None of such persons shall communicate, before the poll is closed, any information as to whether any person on the list of electors has or has not applied for a ballot paper, or voted, at that poll.

Secrecy as to voting.

222. No election officer, candidate, agent, elector or other person, shall communicate, at any time, to any person, any information obtained in a poll as to the name of the candidate for whom any elector is about to vote or has voted.

Penalty.

223. Whoever acts in contravention of any of the provisions of the four preceding articles, shall be liable to a penalty not exceeding one hundred dollars or imprisonment not exceeding three months in default of payment.

Penalty for certain offences as to ballot paper.

224. Whoever shall fraudulently put or attempt to put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in, shall, for each offence, incur a penalty of two hundred dollars, or imprisonment for six months in default of payment.

Vote not to be disclosed.

225. No person shall, in any legal proceeding, be required to state for whom he has voted at any municipal election.

§ 3.—*Counting the ballot papers.*

Counting ballot papers after polling.

226. Immediately after the close of the poll, which shall be at four o'clock in the afternoon, the deputy-presiding officer shall, in the voting room and in presence of the poll clerk, and of the candidates or their agents, or, in the absence of any one of the candidates or their agents, in the presence of at least three electors, open the box containing the ballot papers, and proceed to count the number of votes given for each candidate.

Rejected ballot papers.

227. The deputy-presiding officer, on reading and counting the ballot papers, shall reject :

1. All ballot papers which are not similar to those supplied by him ;

2. All ballot papers by which more than one vote has been given ;

3. All those upon which there is any writing or marks, or indications by which the voter could be identified.

Ballot papers counted and and replaced in box.

228. After the other ballot papers have been counted, and a list made of the number of votes given to each candidate, and of the number of ballot papers rejected, all the ballot papers indicating the votes for each candidate shall be put into separate sealed envelopes or parcels ; those rejected shall also be put into a different sealed envelope or parcel.

All these parcels, after having been endorsed, so as to indicate their contents, shall be put back into the ballot box.

Report to presiding officer.

Within one hour from the closing of the poll, the deputy-presiding officer shall make a report to the presiding officer, stating the number of the votes given to each candidate and the number of ballot papers rejected.

Objections noted and decided.

229. The deputy-presiding officer shall take a note of any objection, made by any candidate, his agent or any elector present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection.

Decision final.

His decision shall be final, and shall only be reversed on petition, questioning the election or return.

Numbering of objections.

Each objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialed by the deputy-presiding officer.

Statement to be made out by deputy-presiding officer.

230. The deputy-presiding officer shall make out a statement indicating the number :

1. Of the accepted ballot papers ;
2. Of the votes given to each candidate ;
3. Of the rejected ballot papers ;
4. Of the spoiled and returned ballot papers, and
5. Of the ballot papers which have not been used, and which are returned by him.

Placed in box.

He shall make and keep a copy of such statement and enclose the original in the ballot box.

Documents placed in box.

231. He shall also place in the ballot box all lists of electors used by him, after having written at the foot of each of such lists a statement certifying the total number of electors who voted on such list.

The poll-book, his commission, that of the poll-clerk, their oaths of office, unused ballot papers, and all other lists

or documents that may have been used or required at such election, shall also be placed by the deputy-presiding officer in the ballot box.

Delivery of boxes.

232. If either of these officers be unable to receive or collect the ballot boxes, such boxes shall be delivered to one or more persons specially appointed for that purpose by the presiding officer.

Oath.

Such persons, on delivering the ballot boxes to the presiding officer, shall take the oath given in a form prepared by the council.

Locking and returning box.

233. The ballot box shall then be locked and sealed, and shall be returned to the presiding officer, or to his assistant.

Certificate of number of votes, &c.

234. The deputy-presiding officer, on being requested so to do, shall deliver *gratis* to each candidate or his agents, or in their absence to the electors representing him, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers.

Secrecy at counting.

235. Every election officer, candidate, agent or elector, in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting.

None of such persons shall attempt to ascertain, at such counting, the name of the voter whose vote is given in any particular ballot paper, or communicate to any person whatever any information obtained at such counting in relation thereto.

Penalty.

Whosoever shall act in contravention of any provision of this article shall be punishable by a penalty not exceeding fifty dollars, or an imprisonment not exceeding one month, in default of payment.

§ 4.—*Close of the election.*

Opening of boxes and counting of votes.

236. On the day following the election, at the hour of ten in the forenoon, the presiding officer shall, in the office of the corporation at the city hall, open the ballot-boxes in the presence of two witnesses, as also in the presence of the candidates, or their respective agents if they are present, and shall ascertain the number of votes given at the polls for each candidate, from the statements found in the several ballot-boxes returned by the deputy presiding officers.

Proclamation of persons elected.

237. After the final counting of the votes, the presiding officer shall declare and proclaim elected as mayor the

candidate who has obtained the largest number of votes in the city, and as alderman the candidate who has received the greatest number of votes in the ward.

To be filed.

Such declaration shall be filed in the office of the council and form part of the archives.

Ballot papers to be kept for certain time afterwards.

238. After the final counting of the votes, the secretary-treasurer shall wrap up all the documents and ballot papers in a single parcel, which he shall seal and shall keep in the office of the council for at least forty days; after the expiration of such delay he may destroy what is not required, if there be no contestation of the election.

Loss of boxes.

239. If the ballot boxes, or any of them, have been destroyed, lost, or are not forthcoming, the presiding officer shall forthwith ascertain the cause of the disappearance of such ballot boxes and shall procure from the presiding officer whose box is missing, or from any other person having the same, the lists, statements and certificates required by this act, or copies of these documents.

Each of such documents shall be verified on oath taken before the presiding officer.

Manner of ascertaining number of votes given.

240. If, in the case of the preceding article, the lists, statements, certificates, or copies thereof cannot be obtained, the presiding officer shall ascertain, by such evidence as he may be able to obtain, the total number of votes given to each candidate at the several polls, where ballot boxes are missing.

Council to appoint, in certain cases.

In case the presiding officer cannot ascertain to his satisfaction who has been elected, the council, at its first session, appoints one of the two candidates to the office, and the proceedings of the election for such office shall be void.

Report by presiding officer.

241. In the case of the two preceding articles, the presiding officer shall state in his return the circumstances attending the disappearance of the boxes, and the means adopted by him to establish the number of votes polled for each candidate.

Proclamation of candidate elected.

242. The candidate who, on the final summing up of the votes, shall be found to have a majority of votes, shall be then declared elected.

Casting vote of presiding officer.

243. When, on the final addition of votes, an equality of votes is found to exist between any of the candidates, and the addition of a vote would entitle any one of such candidates to be declared elected, it shall be the duty of

the presiding officer, immediately to give, in presence of the persons mentioned in article 236, such additional or casting vote, by declaring in writing, signed by himself, for whom he votes.

No vote otherwise.

In no other case shall the presiding officer have the right to vote.

§ 5.—*Final provision.*

Council by by-laws to make forms or schedules required for elections, &c.

244. The council may, by by-law, make all forms or schedules, and modify the details of the proceedings in the manner of conducting elections and receiving ballot papers, provided that, in so doing, it does not adopt provisions inconsistent with the principle of elections by ballot.

TITLE VI.

VACANCIES IN THE OFFICE OF MAYOR OR ALDERMAN.

Vacancies in office of mayor or alderman.

245. There shall be a vacancy in the office of mayor or alderman in each of the cases following :

1. In case of death ;
2. In case of an election being set aside ;
3. In the case provided by article 104 ;
4. In the case of absence from the sessions of the council or of its committees for over two consecutive months ;
5. In the case of absence from the city for over two months, without the permission of the council ;
6. In the case of the election of a person who is not eligible ;
7. In the case of a written resignation and the acceptance of such resignation by the council ;
8. When a member of the council has refused to accept or to continue to occupy the office ;
9. When a member of this council no longer has his residence or place of business in the city ;
10. When a member of the council has become incapable, after this election, owing to one of the incapacities enacted by law and has complied with article 103 ;
11. When a member of the council is exempt from office when elected or becomes exempt while in office, provided he complies with article 108 ;
12. When a member of the council has made an assignment of his property on account of insolvency, or has been declared bankrupt, or has applied to obtain the benefit of any law respecting insolvency ;
13. When a member of the council is unable to act for two consecutive months, on account of illness, infirmity or any other cause ;

14. In the case of an alderman being appointed by the council to replace the mayor whose office has become vacant under article 247

Resumption of office.

246. Any member who refuses to accept or to continue to fill the office to which he has been elected in the council, or who has been unable to perform the duties of such office for two consecutive months on account of absence, illness, infirmity or other cause, may always, if the vacancy caused by his refusal or inability to act, has not been filled, resume and exercise his office provided he is still able to do so, without prejudice however to the costs of the proceedings against him.

Filling of vacancy in office of mayor or alderman.

247. When a vacancy occurs in the office of mayor or alderman, the council shall, at its first regular session or at a special session, fill the vacancy, by resolution, either by some member or duly qualified elector, if the office of mayor be vacant, or, if the office of alderman, by selecting one from the persons in the city who may be qualified therefor.

Term of office of such person.

248. In any case, the mayor or alderman elected or appointed in the place of another shall remain in office only for the remainder of the period for which his predecessor was elected.

Remaining members to exercise powers of council.

249. Notwithstanding any vacancy in the council, the members who remain in office shall continue to exercise their powers and to perform their duties as such, and if there be more than three vacancies, the majority of the remaining members shall constitute a quorum.

TITLE VII.

VERIFICATION BY A JUDGE.

Application for recount.

250. Within the ten days following the election, one of the candidates or five qualified electors may apply for a recount.

How made.

251. Such application is made to the judge of the Superior Court for the district of Richelieu, by means of a petition accompanied by an affidavit made by a credible person to the effect that such person believes that, when the ballots were counted, one of the deputy-presiding officers or his poll clerk, did not properly count the ballots or rejected some ballot papers or did not add up the votes correctly.

252. The judge before whom the petition is brought, shall give notice to the candidates of the day and hour at which he will proceed to recount the votes, and he shall summon the presiding officer and election clerk to appear before him and order them to have with them and produce the poll-books, electors' lists and the packages containing the ballot-papers, used at the election.

Notice to candidates.

253. The judge shall proceed, summarily, to the recount; in recounting the votes, he shall correct the original addition if need be, and shall confirm, declare who is really elected or annul the election, as the case may be.

Proceedings by judge.

254. The application for recount as aforesaid shall exclude all other methods of contestation.

Application bars other contestation.

The decision of the judge on such application shall be final and without appeal.

Decision final.

TITLE VIII.

CONTESTATION OF MUNICIPAL ELECTIONS.

SECTION I

GROUNDS FOR CONTESTATION.

255. Any election of a member of the council may be contested by any candidate or by five qualified electors on the ground of violence, corruption, fraud, or incapacity, of insufficiency of votes or the non-observance of essential formalities.

Persons by whom or reasons for which election may be contested.

SECTION II.

PROCEDURE.

§ 1.—*General Provisions.*

256. The Circuit Court of the district of Richelieu shall take cognizance of such contestation, and the costs shall be taxed accordingly as in non-appealable cases, notwithstanding the provisions of the following article, the effect of which is only to accelerate the procedure.

Court before which brought.

257. The contestation is tried and judged summarily. The usual procedure before the Superior Court in proceedings on prerogative writs shall be followed in so far as the same may apply to the contestation and incidents connected therewith.

Procedure.

The evidence shall be taken orally.

If the court so orders, the whole or a portion of the evidence may be taken down in writing.

§ 2.—*Petition to set aside the election.*

Petition.

258. Such contestation shall be made by a petition signed and sworn to by the petitioner or petitioners, in which shall be set forth the facts and reasons alleged in support of the contestation.

The petitioners may also, in their petition, indicate the persons who have a right to the office in question and state the facts necessary to establish such right and pray that they be placed in possession of such office.

Service.

259. A copy of the petition, with a notice stating the day on which it will be presented, shall be served upon and left with each member of the council whose election is contested, within fifteen days from the date of such election; otherwise the right of contesting shall be forfeited.

When to be presented.

260. No such petition shall be presented or received after the thirty days following the date on which the contested election was held.

§ 3.—*Security.*

Security.

261. The petitioners shall give security for the costs before the service of the petition; otherwise such petition shall not be received by the court.

Before whom given.

262. The security required by the foregoing article shall be put in before the clerk of the Circuit Court.

Qualification.

The sureties shall be owners of real estate to the total value of two hundred dollars, over and above any incumbrances there may be on such property.

One suffices.

One surety shall suffice.

Deposit in lieu of bond.

The security may be given by means of a deposit of an equivalent amount of money or securities in the hands of the clerk in his office or sitting the court.

§ 4.—*Return of the petition and trial.*

Presentation of petition.

263. The petition shall be presented in open court, or to a judge in chambers, together with the returns of the preliminary services.

If the petition must be presented to a judge in chambers, and if the judge be absent, it may be filed in the office of the clerk of the Circuit Court.

Technical objections.

264. If any defects or irregularities in the formalities prescribed for the election are alleged in the petition as ground for setting the election aside, the court may admit or reject such grounds according as they may or may not essentially affect the election.

Proof and hearing.

265. If the court of the judge, after having heard the parties, is of opinion that the grounds set forth in the petition are sufficient in law to have the election declared null, it shall order proof to be adduced and the parties interested to be heard, on the day it deems the most convenient.

§ 5. *Judgment and incidental proceedings.*

Judgment.

266. The court or the judge by his judgment may confirm or annul the election, or declare that another person has been duly elected.

Costs.

267. The court or the judge may condemn either of the parties to pay the costs of the contestation.

How recoverable.

Such costs shall be recoverable as well against the parties to the suit as against their sureties and all other persons who may be condemned to costs.

When executory against sureties.

The judgment, in so far as regards the costs, shall be executory against the sureties, fifteen days after a copy thereof has been served upon them.

Power of judge, if necessary to examine poll-books, &c.

268. If in consequence of the contestations raised in connection with such petition, it should become necessary to verify the addition, examine or otherwise dispose of the poll-books used in the election and other documents connected therewith or to examine the officers who superintended the election or acted therein in any capacity, the court or judge shall have the same jurisdiction, power and authority as any court or judge in this Province in similar cases.

Persons contributing to render election null may be condemned to costs.

269. If it be proved during the contestation that a person, other than the defendant, has contributed by any means to render such election null, the court may condemn such person or any others who may have contributed thereto to pay the whole or a portion of the costs.

Service of judgment.

270. The court may order that its judgment, if it annul the election, be served at the expense of the party against whom the judgment has been given, at the office of the council.

Court to be continued.

271. If the trial of the contestation is not concluded at the close of the term of the court at which the petition was presented, the sitting judge shall continue it without interruption during the vacation, adjourning from day to day until he shall deliver his final judgment upon the merits of the contestation.

Case to be continued.

If the petition has been presented in chambers, the judge shall continue the case from day to day until his judgment has been rendered.

No other manner of contestation.

272. No election shall be contested in any other manner nor according to any other procedure than that prescribed by this act.

TITLE IX.

BRIBERY AT ELECTIONS.

Persons guilty of bribery.

273. The following persons shall be deemed guilty of bribery and liable to the penalties hereinafter imposed for such offences:

Elector receiving money, &c.

1. Every elector who, directly or indirectly, at any time, before, during or after any municipal election in the said city, demands or receives any money or reward, in the form of a gift or loan or any other pretext, or agrees or stipulates that he shall receive any money, gift, office, employment or other reward to vote or abstain from voting at such election;

Candidate offering money, &c.

2. Every candidate at such election, or any other person, who, directly or indirectly, by himself or by an agent, by means of a gift, reward, promise, agreement or guarantee, corrupt or attempts to corrupt an elector so that he shall vote or abstain from voting at such election;

Elector receiving money, &c.

3. Every elector who shall, directly or indirectly, by means of any gift, loan, reward, promise or of any other pretext, favor or agree to favor or endeavor to assure the election of any candidate at any municipal election in the city;

Elector receiving money indirectly, &c.

4. Whoever shall receive any money, gift, reward or promise, under the form of hiring of vehicles or for loss of time, so as to give his vote, or who shall accept for any article of commerce an excessive price, for his vote or with a view of his abstaining from voting at any municipal election in the city;

Employers influencing employees, &c.

5. Every employer, foreman or person in charge of any establishment or works of any kind who threatens to dismiss or do any injury to his employee or to any employee;

Hiring carters.

6. Any candidate or other person who engages or hires a carter for the purpose of conveying electors to the polls;

7. Any person who for any money or any gift, reward, or promise, or other pretext, shall loan his waggon, or other vehicle to any candidate or other person for the purpose of conveying electors to the poll houses during an election.

Loaning waggons.

274. Whoever shall infringe any of the provisions of the preceding article, shall incur and pay for each offence a fine of forty dollars, which shall be recovered with costs of suit, and for his own benefit, by any person who shall sue for the same before the Circuit Court for the district of Richelieu.

Penalty.

Every offender found guilty in the cases mentioned in the preceding article shall be deprived of the right of voting or of being a member of the council of the said city for three years, and his name shall be struck from the list of electors during that period.

Loss of right of voting, &c

TITLE X

POWERS OF COUNCIL.

SECTION I.

GENERAL PROVISIONS.

275. The council shall have jurisdiction throughout the entire extent of the city, and beyond the limits thereof over the whole extent of the Rivers Saint Lawrence and Richelieu opposite the limits defined by this act.

Extent of jurisdiction of council.

276. By-laws, resolutions and other municipal orders shall be passed by the council in session.

By-laws, &c. how passed.

277. The council in the discharge of its functions shall fulfill all the formalities required by the provisions of this act, and by the by-laws in force in the city.

Obligations of council.

278. Any document, order or proceeding of the council, the publication of which is required by the provisions of this act or by the council itself, shall be published in the manner and at the places prescribed for public notices, save the cases otherwise provided for.

Publication of documents.

SECTION II.

BY-LAWS OF THE COUNCIL.

§ 1.—*Promulgation and amendment of by-laws.*

279. The original of every by-law, to be authentic, shall be signed by the mayor or person presiding the

Authenticity of originals of by-laws.

council, at the time of the passing of such by-law, and by the secretary-treasurer.

Originals of by-laws that have been submitted to electors.

280. The originals of the by-laws submitted for the approval of the municipal electors, when such approval has been given, shall be accompanied by a certificate under the signatures of the mayor, or of the person who presided at the meeting, and the secretary-treasurer establishing the fact of such approval, and such certificate shall form part thereof.

Reading of by-laws.

281. The council may order that the municipal by-laws be read two or three times before they pass, on different days or on the same day.

Translation.

282. The by-laws shall be translated into the English language when the council shall require it.

Certificate of secretary-treasurer as to by-laws.

283. The certificate of the secretary-treasurer, stating that the necessary procedure and formalities have been observed by the council or its officers at the time of the passing of the by-law, shall be *prima facie* evidence of their regularity.

Several objects may be regulated in one by-law. One approval for the whole.

284. One and the same by-law may regulate several of the objects mentioned in the provisions of this act.

In the event of the various objects, with regard to which one and the same by-law disposes, requiring the approval of the municipal electors, one approval alone is sufficient for the whole by-law.

Coming into effect of by-laws.

285. The by-laws of the council come into effect and have the force of law, if not otherwise provided for in the provisions of the by-laws themselves, fifteen days after publication, except when otherwise provided for by the provisions of this act.

Publication of certain by-laws.

286. The by-laws, which, in virtue of their own provisions, or those of this act, do not come into force until after the expiration of a certain period, shall be published by public notice at least fifteen days before such period.

How by-laws are published.

287. The by-laws are published after the passing thereof, or their definitive approval in cases in which they have been submitted for the approval of the municipal electors, by a public notice signed by the mayor or secretary-treasurer, in which mention shall be made of the object of the by-law, of the date on which it was passed, and of the place where communication thereof may be taken.

288. If the by-law be approved of by the municipal electors, the notice of publication also mentions that such formality has been observed, and the date upon which it was complied with.

Publication of by-law after approval.

The council may, moreover, publish its by-laws in a French newspaper of the city.

Publication in newspaper.

289. By-laws are executory and remain in force until they are amended, repealed or annulled by competent authority or until the expiration of the period for which they have been made.

How long by-laws remain in force.

290. By-laws passed by the council shall, when published, be deemed public laws within the limits of the city and outside of the same within the jurisdiction of the council

By-laws to be public laws in city.

291. By-laws, which before coming into force and effect must be submitted for the approval of the municipal electors, can not be amended or repealed except by another by-law approved in the same manner, except those which contain a provision reserving to the council the right of amending or repealing the same ; but in such case the amendment cannot derogate from the principles approved by the electors, and the by-law can only be amended in such manner as to make it more advantageous for the city.

Amending of by-laws approved by electors.

The repeal or amendment of any by-law can only be made by means of another by-law ; and, before proposing such by-law, it is necessary that a notice of motion should have been given at a previous session.

Notice required to amend by-laws.

§ 2.—*Approval of electors who are real estate owners required for certain by-laws.*

292. When a by-law of the council has to be submitted to the electors who are real estate owners, the proceedings at the meeting held for the purpose and at the voting, if the same be necessary, are those hereinafter prescribed.

Proceedings for approval of electors to by-law.

293. The general meeting of such electors who are real estate owners is convened at least fifteen days beforehand, by a public notice signed by the mayor for a day specified by the council, and held in the public municipal hall at the hour of ten in the forenoon.

Convocation of meeting.

294. The said meeting is presided by the mayor or pro-mayor.

Who presides.

If both are absent or unable to act, the secretary-treasurer appoints one of the aldermen to preside.

Secretary.

The secretary-treasurer acts as secretary, reads the by-law and submits it to the meeting.

By-law approved if certain time elapses.

295. If more than one half hour elapses after the meeting is opened, without a poll being demanded, the by-law is deemed to be unanimously adopted by the rate-payers interested.

Poll how demanded.

296. Six electors, who are real estate owners and qualified to form part of such meeting, may require that a poll be held to ascertain whether the by-law is approved or not.

Poll to be granted.

Upon such requisition, the mayor or other person presiding shall, at once, grant such poll, which shall thereupon be opened and held until the hour of four in the afternoon of the same day, and on the following day from ten in the morning until four in the afternoon.

Temporary absence of mayor during voting.

297. The mayor or other person presiding may absent himself during the voting, provided he be represented by a member of the council.

How electors to vote.

298. Each elector shall present himself in his turn and give his vote by "Yea" or "Nay;" the word "Yea" meaning that he approves of the by-law, and the word "Nay" that he disapproves of it.

Entry in poll book.

The name of the elector and the vote given by him, shall be entered in a special book kept by the secretary-treasurer for the purpose.

Right to vote.

299. No one shall be allowed to vote on such by law, unless his name be inscribed on the last list of municipal electors in force as a municipal elector and real estate owner, or unless he has, since the fifteenth of December previous, paid the municipal dues payable by him, which he may do before his vote is registered.

Proof thereof.

The production of his receipts is a sufficient proof to authorize him to vote.

Certain proprietors not to vote.

Proprietors of the farms under cultivation mentioned in article 519 are excluded from voting if they are not affected by the tax proposed or contemplated by the by-law submitted.

Counting of votes.

300. At the close of the poll, the mayor shall count the "Yeas" and "Nays," and, at the first session after the polling, he shall submit to the council the result of the voting, together with a statement of the value of the

Report to council.

taxable real estate of each voter, according to the valuation roll in force.

It shall be certified over the signatures of the mayor and secretary-treasurer, for the information of the council, whether the majority of the electors in number and in value of the taxable real estate approve or disapprove of such by-law ; the decision of the majority in number shall, however, predominate.

Certificate of mayor and secretary-treasurer.

If the council wishes to examine the poll books and the assessment roll, they shall be at once submitted.

Examination of poll-books.

301. When the votes are equally divided, the mayor, whether he has or has not presided at the meeting or at the voting, shall, inasmuch as he represents the whole city, alone have the right to give his casting vote during the twenty-four hours following the closing of the poll.

Casting vote of mayor.

If he does not vote or is absent from the city, the council shall decide the question by a resolution passed at a regular or special session.

Council to decide in certain event.

302. The poll books, as well as the statement and certificate produced, shall be deposited in the archives of the council.

Deposit of poll-books, &c.

303. All by-laws, so submitted for the approval of the electors who are real estate owners, are only definitively sanctioned by a resolution of the council.

Proceedings after approval by electors.

The council has the right to set aside such by-laws if it finds that it has been approved by the said electors only by fraudulent and corrupt means, such as those mentioned in article 255, 273 and following of this act.

Rights of council thereafter.

SECTION III.

POWER TO PASS CERTAIN BY-LAWS.

§ 1.—*General Powers.*

304. The council has power to make and put into force such by-laws and ordinances as it may deem necessary or useful for the internal government of the city, and, amongst other things, for the following objects :

Power to pass certain by-laws, &c.

1. For improving the locality ; Improvements.
2. For supplying the city and neighborhood with water ; Water.
3. For lighting the city and neighborhood with gas or otherwise ; Lighting.
4. For the maintenance of peace and good order, and for keeping clean and in good order and draining the streets and public squares and vacant or occupied lots ; Peace and good order. Cleanliness of streets.
5. For the prevention or suppression of all public or other nuisances ; Nuisances.

Public health. 6. For the preservation of the public health;

Purchasing, &c., of property. 7. For the purchasing or leasing of moveable or immoveable property for the use of the city, and for selling or disposing of the same;

Repairing buildings. 8. For the construction or repair of any building which may be required by the city in the exercise of its powers and attributions;

Use of public buildings. 9. For granting the free use of any such building to any person or manufacturer, as the council may deem advantageous to the city;

General good government of city. 10. In a word for everything respecting the internal economy and government of the city.

Right to amend, &c., all by-laws. The council shall also have the right to amend, modify, repeal or replace, in whole or in part, the said by-laws and ordinances, as well as those made by the municipal councils which have had the management of the internal government of the city.

§ 2.—*Miscellaneous by-laws.*

Power to make certain by-laws. **305.** The council has also power to make, amend, modify, repeal or replace, in whole or in part, by-laws respecting itself, its officers, or the municipality upon each of the subjects mentioned in the present act.

I. GOVERNMENT OF THE COUNCIL AND OF ITS OFFICERS.

Good order during sittings, &c. **306.** The council may, by by-law, regulate the manner of conducting its debates, and the maintenance of order during the sessions of the council or of its committees;

Date thereof. Determine the date of the ordinary sessions of the council and the number of days they shall last;

Duties of officers. Define the duties of the officers of the council which are not determined by this act.

II. PUBLIC SAFETY.

Public safety, &c. **307.** Protect the lives and property of the inhabitants of the city; and for the better prevention of danger from fire to regulate the construction, the dimensions of chimneys and their height above the roofs, or even in certain cases above the surrounding houses and buildings; and compel the proprietors or occupants to cover them with a screen; and declare by whom the cost of the raising of such chimneys shall be paid, and within what delay such chimneys shall be raised or repaired;

Inspection of buildings. **308.** Regulate and provide for the inspection and construction of houses and buildings in the city, both of

those already built and of those being built, and appoint a building inspector and define and determine his duties.

Prevent construction of ovens, &c., except under certain conditions.

309. Prevent any baker, potter, blacksmith, brewer, manufacturer of pot-ashes or pearl-ashes, or other manufacturer, or person from building, or having any oven or furnace, unless such oven or furnace communicates with and opens into a chimney of stone or brick, rising at least three feet higher than the top of the building in which, or in connection with which such oven or furnace is placed.

Fire-buckets, Ladders.

310. Compel the proprietors or occupants of houses or other buildings, to provide a fixed number of fire buckets, and to have ladders from the ground to the eaves, and from the eaves to the ridge of the roof.

Lights in sheds, &c.

311. Prevent any person from entering any shed, stable, pig-sty, barn or out-house, with a light not enclosed in a lantern, or with a lighted cigar or pipe, or from carrying into the same any fire without proper precaution, so as to prevent fires.

Fires in out-houses.

312. Prevent any person from lighting or keeping a fire in any out-house, pig-sty, barn, shed or other building, otherwise than in a chimney or a metal stove ;

Fires in streets.

Prevent any person from carrying fire over any public street, or in any garden, yard or field, otherwise than in a metal vessel ;

Doors of hay-lofts, &c., to be shut.

Compel the owners or occupants of barns, hay-lofts, or other buildings containing combustible or inflammable substances, to keep the doors thereof shut ;

Sweeping of chimneys.

Compel the owners or occupants of houses to have or permit their chimneys to be swept ; to regulate the manner and period in which such chimneys shall be swept ; to name the sweeps to be employed, and to fix the amount payable to the sweeps or to the council and the price for the license to be granted to the sweeps ; impose a fine, on all persons whose chimneys have caught fire after they have refused to allow them to be swept.

Fires if not swept.

Whenever a chimney which shall have so taken fire as aforesaid, shall be common to several houses or to several households in the same house, the aforesaid fine may be recovered wholly from each owner, tenant or occupant of such house or divided between them at discretion.

Precautions for gunpowder, &c.

313. Determine the precautions to be adopted in the sale of gunpowder or other explosive substance.

Quick lime.

314. Regulate the manner in which quick lime or ashes shall be kept or deposited.

Storage of oils.

315. Construct fire-proof buildings for the reception and storage of oils and other inflammable fluids, liquids or substances; establish a tax upon persons who store such articles.

Fire-works.

316. Prevent all persons from setting off fire-works or crackers, or from discharging fire-arms, or lighting fire in the open air, on the high road or in the neighbourhood of any building, grove or inclosure, or to permit the same under certain conditions.

Demolishing ruinous buildings, &c.

317. Cause to be demolished and removed all walls, chimneys or buildings, in ruins or likely to fall; and determine in what time, by what means and at whose expense such demolition or removal shall be effected.

Wooden buildings.

318. Prevent the erection of wooden buildings or fences in the city, or in any specified part thereof, and determine in certain cases the nature of the materials to be used for making roofs.

Removal of snow and ice.

319. Compel all proprietors or occupants of houses or other buildings erected on the public street, to remove the snow and ice from the roofs of such buildings or edifices.

Steam-engines, &c.

320. Determine the place for the erection and regulate the erection and use in the city of all steam-engines and machinery, oil refineries, soap or glue factories or other factories whatsoever liable to vitiate the air and incommode the neighborhood by smoke or smell, or of all shambles and establishments in which work is done or processes carried on which endanger or are liable to endanger public health or safety, of which the council shall be the judge; and permit the erection and use thereof under such restrictions and conditions as the council may deem necessary; provide for the inspection of steam-engines and of all factories such as those above mentioned, and impose and levy a fee for that purpose.

Protection of citizens in streets.

321. Take all possible means to protect the citizens in the streets and public places, at railway stations and passenger steamboat wharves.

Precautions to be taken by railways.

For that purpose, the council may compel all railway companies to make, construct and maintain at all hours of the day or night, such gates, fences or other works as may

be deemed necessary for the protection of the citizens, vehicles and animals passing through such streets or public places, and all such companies or their agents or employees shall be liable to such penalty as the council may impose ;

Obstruction of street by cars.

2. Prevent the obstruction of the streets by railway companies, or by cars, or trains of cars, locomotives or other engines of railway companies, and determine what precautions the conductors, engine-drivers or stokers of such trains, cars or engines shall take, when crossing or about to cross the streets in the said city ; and impose, either on the said servants of the said railway company or on the company itself, a fine for each infringement of the by-laws passed for that purpose.

Thefts at fires

322. Prevent thefts and depredations at fires in the city ; and punish any person who resists, opposes or ill-treats any member or officer of the council, while in the execution of the duty assigned to him by the council.

Conduct of persons at fires, &c.

323. Regulate the conduct of all persons present at any fire in the city ; oblige idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and oblige all the inhabitants of the city to keep at all times upon and in their houses, ladders, fire-buckets, battering rams, and fire-hooks, in order the more easily to check the progress of fire.

Powers of mayor.

In default of any by-law to that effect, the mayor may act in accordance with this article.

Demolishing buildings to stop fires.

324. Authorize certain persons to cause to be pulled down, removed or demolished such buildings as may appear necessary, in order to avert the progress of any fire, saving all damages and indemnity payable by the corporation to the proprietors of such buildings, to an amount agreed between the parties, or on contestation, to an amount settled by arbitrators.

Mayor's authority.

In the absence of by-laws under this article, the mayor may, during the course of a fire, exercise such power by giving a special authorization.

Firemen.

325. Authorize the formation and organization of companies of firemen or sappers, and determine the duties of the members of such companies and impose penalties upon such of their members as fail in their duties.

Fire-engines.

Provide for the purchase of fire-engines or apparatus destined for the same purpose ; and generally adopt measures best calculated to prevent accidents through fire and to avert its progress.

Enquiries in cases of fire.

326. Hold, authorize or cause to be held, after each fire in the town, an enquiry into the cause and origin of such fire.

Summoning and examination of witnesses.

For this purpose, the council, or a committee composed of at least two of its members by it authorized, may summon witnesses, and compel them to appear and give evidence, and examine them under oath to be administered by any one of the members.

Examination of buildings.

327. Authorize such officers, as the council shall think fit to appoint for that purpose, to visit and examine at suitable times and hours, either the inside or the outside of all houses and buildings of any description, within the city, for the purpose of ascertaining whether the by-laws passed by the council, under the authority of the preceding articles are regularly observed ; and oblige all proprietors, or occupants of houses in the city, to admit all officers for the purposes aforesaid.

III. PUBLIC HIGHWAYS.

Repairing highways, &c,

328. Repair, level, sweep, water and keep clean and in good order any street or a determined portion of a street or public square, or remove the snow therefrom at the expense of any owner or occupant residing on such street or portion of a street.

Railways to keep certain streets in order.

329. Compel railway companies to keep in order the streets, portions of streets and public squares through which their trains run, in such manner as the council by resolution or the city inspector may indicate.

If such companies neglect or refuse to do such work, the council may have the same done and recover the amount thereof from such companies in default.

Fences.

330. Oblige the proprietors of lands in the city, or their repres ntatives, to fence such lands, and fix the level and height of the fences, as also the nature and kind of the materials to be used in them.

Regulate the manner of constructing fences between neighbors.

Encroachments on streets.

331. Compel the proprietors or occupants of houses to remove from streets or public squares all encroachments or projections of any kind, such as steps, galleries, porches, posts, gates opening upon the public way, signs, boxes, wood or other obstacles, and prevent encumbering by vehicles

Transport of houses through streets.

332. Prohibit the transport or removal through the the city of any house or building, without a special permit from the council on payment of such compensation as the council may exact.

Responsibility for damages.

333. Every person, so transporting or removing a house or building, shall be responsible for the damages which may be caused to the city by injuring the trees or streets or underground pipes.

Damages how ascertained.

Such damages may be determined by the council, and the house or building causing the same may be seized and sold to pay for such damages, which will be a privileged claim after the costs of sale.

Posting of bills &c.

334. Regulate and license the posting of bills and placards ;

Indecent placards, &c.

Prevent the posting up, or the making or writing of indecent or offensive placards, paintings, drawings, words or inscriptions upon houses, walls or fences, or other public or private property, or on any street or public place in the said city, or in any store or any place visible from such street or public place.

Awnings, signs, &c.

335. Regulate awnings, signs, signboards, show-bills or show-boards, and prevent the pulling down or damaging, tearing down or deteriorating of the same, or the pulling down or damaging, tearing down or deteriorating of printed or written notices lawfully posted up, or the damaging, tearing down or deteriorating of private or other property by posting thereon printed or other notices.

Removal of awnings, &c.

336. Authorize the council to cause to be removed or taken away all awnings, signs, or any object serving as such, which project upon the public highway or are suspended or placed so as to be dangerous to foot passengers.

Hand bills.

Prohibit the distribution of printed hand bills or circulars at church doors on Sundays.

Ornamental trees.

337. Oblige the proprietors of land or their representatives to plant, keep and maintain in good order trees in front of their properties, and the council may determine the kind of such trees or cause the same to the planted by a municipal officer or employee at the expense of such proprietors.

Punish those who tear up or injure any tree.

Ice-roads.

338. Lay out, open up and keep in order the ice-roads crossing the River St. Lawrence to the North Shore, and the River Richelieu to the West bank, and regulate the

circulation over all such roads in front of the city and starting from its limits or ending thereat throughout the whole length of such roads ;

Telephone and telegraph lines, &c.

339. Regulate the laying of telephone or telegraph wires in the city, the quality of posts and order them to be painted ; order, if necessary, that the wires be laid underground in certain places so as not to obstruct the streets.

Landing places.

340. Establish one or more public landing places and make all necessary improvements thereto ; establish and determine the charges and dues to be levied thereon for the corporation, and alter, increase or diminish such dues and charges, from time to time, as the public interest may require.

Statute labor tax.

341. Establish and fix the amount of the personal statute labor tax, that is to say : the amount which is to be paid yearly by the persons bound by law, to repair the streets and keep them in order.

From and after the passing of a by-law to that effect, the council shall refuse the labor of such persons, for the repair and keeping in order of such streets which it may have under its immediate control, for the carrying out of work to be done, and it shall collect the amount in money of such personal statute labor tax as the by-law may have fixed and established.

Commutation for personal work.

342. The amount paid for such personal statute labor tax shall be a commutation of the works required on the streets, without including the making or repairing of sidewalks, common sewers, of paving or macadamizing.

IV. IMPROVEMENT OF PUBLIC STREETS AND SQUARES.

Streets and squares.

343. The council may, by by-law, purchase, open, enclose, alter, embellish, improve and maintain, at the costs and charges of the corporation, streets, squares, parks, or public places, of a nature to conduce to the health and well being of the citizens.

Opening of new streets and squares, &c.

344. Order the opening of new streets or portions of streets, public squares and the enlargement, continuation, straightening or other alteration of streets or fixed portions of streets or public squares in the city, according to such plans and upon such conditions as it may deem expedient.

345. Cause to be prepared a plan of the future location of any street, or part of a street or public road, which it may be necessary to alter, extend or continue beyond its actual terminal point, upon lands or farms not yet laid out in town-lots, by giving notice thereof in a local newspaper, mentioning that such plan is deposited in the office of the corporation for the information of all interested parties.

Plan of streets.

Notice of deposit of plan.

Such notice and deposit of the plan shall relieve the council from the payment of any compensation on account of any buildings which shall be put up, after the date of the notice, upon the lot indicated on the plan as required to be used for locating, extending, opening or improving any public highway.

Effect thereof.

The corporation shall, in all cases be bound, upon being so required by the proprietors, to pay to such proprietors the value of the land upon which one or more streets have been so located.

Value of land to be paid to proprietors.

346. Order that any street or fixed portion of a street or public square within the city be thereafter gradually widened to a specific width to be mentioned in the said by-law, and to fix and determine the new line thereof; order that the land required for such increased width be acquired or expropriated from time to time, as the buildings or structures thereon are removed or destroyed, or when and as the said council may, by such by-law, fix; determine and order that such improvement shall be made out of the funds of the city, or that the costs thereof shall be assessed in whole or in part upon the lands or parcels of land belonging to parties interested in or benefitted by such improvement.

Widening of streets.

The corporation shall have the right to purchase any land, ground or real property whatsoever within the limits of the city, either by private agreement or amicable arrangement between it and the proprietor or other persons interested, or by expropriating the same.

Purchase of land.

347. Acquire by private agreement or by expropriation all lands required for such purposes; order how the expense so caused shall be apportioned and levied, in whole or in part, by the corporation or by the proprietor whose properties benefit by the improvement.

Acquisition of land for such purposes and payment of cost of improvement.

348. Whenever the majority of the proprietors of real estate in a street or part of a street in the city shall, by a petition addressed to the city council, require the making of a common sewer, the macadamizing or planking of, or making any other improvements whatsoever to, such street or part of a street, the council may order such

Common sewers macadamized roads, &c.

improvements to be made, and may regulate the manner of levying and collecting a sufficient assessment to defray the cost thereof on the persons who may be interested in such improvement, or on all proprietors of lands opposite to which such improvements may be made.

Assessment therefor.

When any real property shall be situated on two or more streets, or on one or two streets or a public square, the council, in passing such by-law, shall decide what proportion or part of the said real property is benefited by the special improvement made in such street or public square, and shall, in consequence, apportion the special tax or assessment to be levied on the said property to defray the cost of such improvement.

Rebuilding of houses projecting on streets.

349. The council may, by resolution, prevent the rebuilding, in the same place, of a demolished house which projected upon the line of a street or portion of a street or public square, and may acquire or expropriate the land.

Level of streets.

350. The council may, by resolution, determine and change the height or level of the streets of the city, provided that if any person suffer damage thereby, he shall receive compensation, to be settled by arbitrators.

Closing of streets, &c.

351. The council may, by by-law, close any street or fixed part of street or public square, and sell the land for the benefit of the municipal treasury.

Roads to be public streets.

352. The public roads, now within the limits of the city, shall in future be considered as public streets for the purposes of this act.

Streets opened by private parties.

353. No proprietor who has opened or who opens a street, part of a street, lane, public road or passage through his property, shall close the same without the consent of the council; and such street, part of a street, lane, public road or passage shall, at the expiration of ten years, become the property of the city, without indemnity therefor from the council.

V. SIDEWALKS.

Sidewalks of stone, &c.

354. The council may, by by-law, oblige the proprietors of land situated on any road, street, square or public way, to make and maintain in front of their properties, sidewalks of wood, stone or other material in the streets or portions of streets of the city.

How to be made, &c.

355. Determine the manner of making and keeping such sidewalks in order, and even to have the same entirely or

partially made at the expense of the corporation or of the proprietors of the land before which they are made.

Cost thereof.

In the latter case, the cost shall be debited to the account of the various proprietors and such charges shall be considered as municipal dues.

Sidewalks generally and assessment therefor.

356. Construct and maintain sidewalks in the city and, if necessary, levy an assessment therefor upon the interested parties together with ten per cent to cover the expense and loss incurred in the collection.

If the council undertakes the construction and repair thereof, it may levy a general assessment for this particular object.

Regulations as to sidewalks.

357. Until the council has taken charge of the construction a d maintenance of the sidewalks in the city, in whole or in part, it shall regulate and establish by what persons, when and in what manner, of what size and quality and where such sidewalks shall be made, placed or repaired in the streets, parts of streets, or public squares of the city

Corporation to make, in default of proprietors after notice.

In default of such persons making, placing or repairing such sidewalks within three days from a notice to that effect, the council shall have them made ; and shall determine and regulate how they shall be made, placed or repaired or how and from whom the cost of the work and materials shall be recovered from the persons in default.

Instructions to be followed.

358. No person can make a sidewalk before his property without following the instructions of the city inspector under the by-laws regulating how and in what manner such sidewalk shall be made.

Removal of those made contrary thereto.

In default thereof, the council may cause such sidewalk to be uplifted, and remake the same if it be necessary to avoid any detrimental irregularities.

Alteration of line of sidewalks, &c.

359. The council shall regulate and may alter the line, height or level of the city sidewalks, provided that if any person suffer damage thereby he shall receive compensation, to be settled by arbitrators.

Ice and snow.

360. The council may compel every proprietor or occupant of lands to remove entirely or partially the ice, snow or water, from the sidewalks in front of their property, within a specified delay and in the manner indicated by the council.

If there be neglect or refusal, the council may have such work done at the expense of those who are obliged to do it, and this within the shortest possible delay.

The cost thereof shall be charged to them and shall form part of the municipal dues.

Repairing sidewalks and removal of snow and ice by corporation in default of individuals after notice.

361. Whenever any person obliged, by by-law, to make and keep in order and clean any sidewalk in front of his property in any street or portion of a street, shall fail to perform the required works, it shall be lawful for the council or committee, after three days' notice given to such persons in the case of sidewalks and three hours' notice in the case of removal of ice, snow or water, to have the said works performed under the direction and superintendence of the road officer, and to include the amount so expended in the account of taxes and assessments due by the person held to the performance of such works, so that the said amount may be levied and collected, together with any other tax or real estate assessment imposed on the same property; unless however, the said council should deem it advisable to order the recovery of the sum expended in any particular case by an action at law against the party in default.

Occupants of government property to make sidewalks.

362. Occupants of lands belonging to the Federal or Provincial governments are bound to make and keep sidewalks in order before the property they occupy, or to pay all taxes or assessment imposed for such work as being personal taxes for such occupants authorized by this special provieion if no other be applicable.

VI. PUBLIC MARKETS.

By-laws for markets.

363. The council may by by-law :

Establish, erect, change, enlarge, abolish or maintain the public markets that now exist, or those which shall be established in future and the site thereof.

Leasing of stalls, &c.

364. Regulate the letting of stalls and other places in or around such markets.

Sale of articles.

365. Regulate or prohibit the sale or exposing for sale of any kind of articles or produce or certain articles in particular.

Public scales.

366. Establish and maintain public scales and collect the revenue thereof.

Dues upon waggons, &c.

367. Impose duties upon waggons, carts, sleighs, boats, canoes and vehicles of every description, in which articles shall be delivered, sold or exposed for sale upon any public market or in any street, or on the wharves, or in wood-

yards or upon any beach within the city; and also regulate the manner in which such articles or vehicles shall be placed for such purposes on the markets.

368. Impose dues upon all vehicles in which articles shall be exposed for sale, or which may take up places in the said markets, and establish the manner in which the said dues shall be levied. *Dues upon vehicles.*

369. Prevent persons bringing produce of any kind, wood or materials into the said city, from selling or exposing them elsewhere than on the markets; and compel all such vendors to pay the dues, tolls, duties and licenses imposed for selling them elsewhere. *Goods to be sold on markets. Dues thereon.*

370. Restrict and regulate the commerce of hucksters and persons buying articles brought into the city for the purpose of reselling them, and for imposing dues and taxes upon them in the prosecution of their traffic by license or othewise. *Hucksters.*

371. Determine in what manner produce and all other articles shall be sold and delivered, whether by quantity, measure or weight; and compel all persons to observe in such matters the by-laws which the council shall hereafter deem useful to establish. *How produce, &c., shall be sold, by weight or otherwise.*

372. Impose rates, dues or charges and licenses upon all persons selling in the streets or roads, on the markets of the corporation or around the same or on the wharves or beach. *Rates on persons selling in streets.*

In a word to regulate what relates to the government of the public markets and the sale of all merchandise, farm produce and other articles of traffic in the city and outside of the same on the River Richelieu and upon the River Saint Lawrence, within the limits above defined. *General rules for markets, &c., sale of effects, &c.*

373. Regulate the weighing and measuring of all lumber for building purposes, sawn lumber, fire-wood, coal, salt, grain, lime and hay, brought or sold in the city by strangers or by persons residing therein. *Lumber, coal, &c.*

374. Determine and define the duties and powers of all persons employed in superintending public weigh-houses or markets throughout the city, and confer upon such officers the power of confiscating merchandise, articles and produce in case of fraud as to measure, weight or quality, and determine the manner in which such confiscated articles shall be disposed of. *Duties of superintendent of weigh-houses.*

Powers of market clerks. **375.** The market clerks of the city shall have full power and authority to enter into yards and lanes, for the purpose of recovering and collecting the market fees due for cattle, grain, produce, provisions or other articles brought into the city to be sold or delivered.

VII. SALE OF BREAD.

Bakers. **376.** The council may make by-laws concerning the bakers in the said city, and the persons in their service.

Regulate sale of bread, &c., confiscations thereof. **377.** It may regulate the sale, quality and the weight of bread sold or offered for sale in the said city, and provide for the inspecting and weighing of all bread offered for sale, and for the seizure, forfeiture and confiscation of all such bread offered for sale in contravention of the said regulations, or bread that may be unwholesome or too light; and to this end it may authorize officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for the purpose of inspecting and weighing such bread, and to do any other act or thing that may be necessary, or that may be deemed advantageous to the public interest, health and safety for the attainment of such object or for causing such by-law to be enforced.

Marks on bread. **378.** To compel bakers to mark the bread made by them with the initials of their respective names.

VIII. PUBLIC HEALTH.

Precautions for public health. **379.** The council may, by by-law, prescribe the taking of proper measures for securing the inhabitants of the municipality from contagious or pestilential diseases or for diminishing the danger or effects resulting therefrom.

Board of health. **380.** Establish one or more boards of health, and appoint health officers and confer upon such boards all the necessary privileges and authority for the performance of the duties imposed on them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or for making such regulations as such boards of health may deem necessary for preserving the citizens from any contagious diseases or for diminishing the effects or danger thereof.

Examining of premises. **381.** Authorize the visiting and examining by such health officers of any house or lot, or of any premises what-

soever for the purpose of enforcing the observance of all by-laws, rules and regulations concerning public health and regulations respecting cleanliness in the city, and to punish all persons obstructing, resisting, hindering or opposing or aiding and abetting in obstructing, resisting, hindering or opposing any such health officers in the performance of their duty.

IX. DITCHES AND WATER-COURSES.

382. Cause to be opened, dug, enlarged, covered and maintained, and have the line altered of any ditch necessary for drainage, or any boundary or division ditch or any water-course situate in the city or beyond the limits thereof, as the council may judge advisable. *Opening, &c., of ditches.*

Determine the time and manner of making such works, as also the persons of the city by whom or at whose expense the same shall be made. *At whose expense.*

383. Levy, if the works are to be executed at the joint expense of the parties interested, on the proprietors of the lands situate within the city and outside of its limits and drained by the ditch or water-course, the sums required for such works, according to the estimated value of such lands or the length of the ditch or water-course, and regulate the manner of levying the taxes so imposed. *Apportioning cost of drains, &c.*

384. Impose penalties on any person obstructing deranging, or suffering the obstruction or derangement of ditches or water-courses, or refusing to make or suffer to be made the works ordered by the inspector under the by-laws upon all public or private lands. *Penalties on persons obstructing drains, &c.*

385. Carry on at the expense of the corporation, for a determined or undetermined period, all works on ditches or water-courses. *Works on ditches, &c.*

386. Raise, by special assessment, sufficient money to make or repair one or more common sewers in any street, or portion of a street or section of a street, public square or special section determined by the council, from all the owners of lands situate along the line of such sewers; determine the mode of making such sewers and the manner of collecting the cost thereof, with, in addition, ten per cent for costs of collection, superintendence and other purposes. *Special assessment for common sewers.*

387. Order, by by-law, the recovery of the cost of works on water-courses; cause all proprietors of lands *Recovery of cost of works on water-courses.*

liable to the payment of the costs to be apportioned, to be designated and assessed; order works to be done for the purpose of utilizing old water-courses as common sewers, and determine the sums to be apportioned among the interested proprietors who make use of such works for draining their lands or as common sewers.

X. CARTERS.

Licenses to carters.

388. Authorize the granting of licenses to carters, owners and drivers of vehicles for public hire in the city; compel such persons to take out an annual license, and determine everything relating to the better government of carters and their vehicles of public hire.

Tariff of fares.

389. Establish a tariff of fares payable to carters for their services; compel the latter not to exact higher fares than those settled by the tariff, and punish every person who hires, engages, or employs a carter and refuses to pay him according to the tariff.

Carters to take fares offered.

390. Compel all carters under license, to give their services to any person asking the same at the tariff rates.

XI. DECENCY AND GOOD MORALS.

Gambling.

391. Regulate, restrict and suppress every kind of gambling in the city, and the existence of gambling houses or houses of ill fame of any kind in the city.

Games of hazard.

392. Regulate, prohibit or restrict all games with cards or dice or other games of hazard, with or without bets, in any hotel, restaurant, inn or shop, whether licensed or not, in the city.

Arrest of gamblers.

393. Arrest on the spot and punish persons who are found therein while playing at cards or dice or other games of hazard.

Vagrants.

394. Suppress and punish vagrants, beggars, prostitutes and disorderly persons.

Houses of prostitution.

395. Suppress and close all houses of prostitution or of ill fame, and arrest and punish the inmates and frequenters thereof.

Circuses, &c.

396. Prohibit circuses, theatres, or other public exhibitions from being held; regulate and permit them to be held upon such conditions as may be deemed fit, and pro-

hibit all spectacles or exhibitions tending to affect public safety or morals, of which the council, or, in its default, the mayor of the city, shall be judge.

397. Prevent, on Sundays and holidays of obligation, races and all other horse exercises upon any race course or place whatever within the limits of the city and of the jurisdiction of the council on the River Saint Lawrence and the River Richelieu. Races on Sundays, &c.

398. To compel the closing of all stores or shops and photographers and barber's establishments, throughout the whole day on Sundays. Closing of stores &c., on Sundays.

399. To prevent cock-fights, dog-fights, and every other cruel amusement ; and punish any person taking part therein or being present thereat, within the limits of the city and outside thereof, within the limits of its jurisdiction or the River Saint Lawrence and River Richelieu. Cock-fights, &c.

400. To prevent persons from bathing or washing themselves in public waters, or in the open air, close to public roads or squares. Bathing.

XII. PUBLIC NUISANCES.

401. The council may, by by-law, compel the proprietors or occcupants of houses to clean their stables, cattle-sheds, pig-sties, sheds, privies, and the yards connected with such buildings, and to fix the time and manner in which they shall be drained and order that they be constantly kept clean. Stables, &c.

402. Oblige the owners or occupants of all groceries, cellars, manufactories, tanneries, drains or other unhealthy and fetid places, to keep them clean and render them wholesome. Groceries, &c.

403. Regulate or prohibit the raising and fattening of pigs within the city. Pigs, &c.

404. Compel every owner or occupant of land in the city, on which there is stagnant water, to drain or raise such land, in such manner that the neighbours be not incommoded or the public health injuriously affected. Stagnant water.

405. If the owner of such land is unknown and has no representative in the town, or if he is too poor, or if he refuses or neglects to drain or raise the same, the council City to drain off such, in certain cases.

may order the drainage or elevation of such land at the expense of the corporation, reserving recourse against the owner, and the amount so expended shall be a privileged tax upon such lot.

Noxious deposits.

406. Prevent the making deposits of, or of leaving within the city, or in the River Saint Lawrence or River Richelieu within the limits of its jurisdiction, substances or matters from whence issue noxious gases or odors, such as dead bodies, coal oil, superphosphate of lime in course of preparation, contents of privies, filth from yards or roads and other nuisances; as well as every object on the point of or likely to become unwholesome; and regulate the mode of making such deposits.

Penalty.

Impose a penalty not exceeding fifty dollars for every infringement of such by-law.

XIII. MAINTENANCE OF THE PEACE—ENFORCING OF THE BY-LAWS.

Police force.

407. The council may establish, regulate, arm, lodge, clothe and pay a police force in the city and determine the duties of the officers and men of such force or constables, for maintaining peace and good order and for observation of the municipal by-laws in the city and on the River Saint Lawrence and River Richelieu, within the limits of the jurisdiction of the council.

Jurisdiction of constables.

408. All the constables have the necessary powers for the performance of the duties imposed on them within the limits of the city and outside thereof upon all wharves, and bridges upon the ice and waters, on any boat or vessel on the River Saint Lawrence and River Richelieu within the limits of the jurisdiction of the council.

Further jurisdiction under certain conditions.

409. The powers of the police constables extend to the whole district of Richelieu, but they cannot act outside of the limits of the city without the written authorization of the mayor or an order from the recorder's court.

Penalties upon constables.

410. Every constable, policeman or police officer who is guilty of disobedience, insubordination, drunkenness neglect, bad conduct, abuse of power, partiality or misfeasance in the performance of the duties imposed on him by law, incurs, upon conviction of such offence before a magistrate or before the recorder's court, a fine not exceeding forty dollars.

Dismissal of constables.

411. The mayor and the council may suspend or dismiss any constable who is guilty as aforesaid.

No police officer or constable, who is so dismissed, can thereafter serve in the police force.

Effect thereof.

412. All and every such police officers or constables may arrest, on view and without a warrant, any person they may find breaking the public peace, or lying or loitering, either during the night or daytime in any highway, field, yard or other place, or lodging or sleeping in any barn, out-house or other unoccupied building, or under any tent, cart or other vehicle, and not giving a satisfactory account of himself, as well as any person drunk, shouting, swearing or causing tumult on the public roads or highways, wharves, bridges or on any part of the River Saint Lawrence or River Richelieu, or in any vessel on the River Saint Lawrence or River Richelieu, within the limits of the city, and all persons contravening or advising, aiding or encouraging any person whomsoever to contravene any federal or provincial law, or any by-law of the said city.

Powers of police to arrest on view.

They may also arrest, on view and without a warrant, any such persons immediately after the commission of the offence, on good and sufficient information being given as to the nature of the offence.

Arrest on information without warrant.

413. They shall have also the power and authority to arrest, even without the limits of the city, all persons who shall have contravened any federal or provincial law, or any by-law of the city, or who shall have advised, aided or encouraged any person whomsoever to contravene any such federal or provincial law or any such by-law.

Power to arrest outside city limits.

414. It shall be lawful for any police officer or constable of the said city to go into every house, store-house, grocery store, shop, inn or other suspicious house, and to go into every yard or other place, within the limits of the city, in which any person may be reasonably suspected to be for evil motives, or when there is reason to believe that some stolen articles have been hidden or received therein; and if any such person be found in such places, the said police officers or constables shall arrest, on view and without a warant, and shall keep in custody, any such person.

Power to enter groceries, &c., to search for suspected persons.

415. Any constable shall also have power and authority to go into every inn, hotel, and into every shop licensed for the sale of spirituous, vinous or fermented liquors, to ascertain if the laws or the by-laws, regulating such houses, be faithfully observed, and to arrest, on view and without

Power to enter inns, &c.

a warrant, all such persons whom they may find in such houses contravening any laws or by-laws.

Power to serve summonses, &c.

416. They shall have power and authority to serve all summonses and subpœnas and execute all warrants and other proceedings for the arrest and the confinement in gaol of all persons accused or remanded for examination or for trial, or arrested in virtue of a warrant of arrest for the commission of any crime or misdemeanor, or the violation of any federal or provincial law, or any by-law of the city.

Power to serve special notices.

417. The constables or police officers shall have power and authority to serve all special notices and to publish all public notices, in accordance with the various provisions of this act, and they shall certify to the correctness thereof under their oath of office, without being obliged to take a special oath to that effect.

Power to arrest when ordered by mayor, &c.

418. Any constable may, and shall, if he is so required by the mayor or by another member of the council or by the council itself, apprehend and arrest on view all persons found contravening the provisions of any by-laws of the council punishable by fine, if it is so ordered by the by-law, and bring them before any justice of the peace to be dealt with according to law.

Power of members of council to order arrest of drunken persons.

419. It shall be lawful for any one of the members of the said city council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person whom he shall find disturbing the public peace within the said city, and within the limits prescribed in articles 22, 33, 408 and 409 on the River Saint Lawrence and River Richelieu, and to confine him in the common gaol of the district, or other place of confinement, in order that such person may be secured until he can be brought before the mayor or a justice of the peace, to be dealt with according to law.

Assaulting constables.

420. Every person who shall assault, beat or forcibly resist any constable or peace officer engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, every such offender shall, upon conviction thereof before the mayor or a justice of the peace or the recorder, be liable to a fine of from four to forty dollars or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this act to the contrary.

Offender may be indicted.

It shall be lawful for the council or such constable, if the offence be serious, to proceed by indictment against

any such offender, but nevertheless only one proceeding at law shall be adopted.

Arrest of persons refusing to pay carters.

421. Any constable may arrest on view, either by day or night, any one infringing any of the by-laws of the city, by refusing to pay the hire of any licensed carter's vehicle, and to bring him immediately before a member of the said council or before a magistrate, if it be in the day time, or to hand over such person to the guardian of the prison or other place of detention, if it be at night, to be afterwards dealt with according to law.

Entry and inspection of buildings by constables.

422. Upon an order of the council, the mayor or recorder, any constable may inspect and examine, at any hour of the day or night, any moveable or immoveable property, the interior or exterior of any yard, house or building whatsoever, and also inspect the interior of any craft or vessel within the limits of the jurisdiction of the council on the River Saint Lawrence or River Richelieu, in order to ascertain whether the by-laws of the council are observed, or for the purpose of arresting any one.

To be allowed.

The owners or occupants of such moveables or immoveables are bound to receive and admit such constable, under penalty of a fine not exceeding forty dollars.

Constables to obey orders.

423. All the constables shall obey the lawful orders they may receive from the council, from any of the members thereof individually, or from any justice of the peace for the district of Richelieu.

Confinement of persons arrested.

424. Any such persons, so summarily arrested in virtue of this act, shall be immediately conveyed to the common gaol of the district of Richelieu or to the place of confinement established in the city, there to be safely kept until they may be taken before the mayor, or one or two justices of the peace; but such persons so arrested may give bail or a sufficient recognizance, to be taken or received by the said mayor, for their appearance, and shall appear on the day appointed, before the said mayor or justices of the peace.

Discharge on bail.

Duty of sheriff and gaoler respecting.

425. The sheriff and gaoler of the district of Richelieu shall be bound to receive, and safely keep until duly discharged, all persons committed to their charge by the said council, or any member or officer thereof under the authority thereof, or upon a warrant from the recorder, or arrested by a policeman or constable.

Lock-up may be built.

426. The council may erect a building or obtain a suitable place for a lock-up for the temporary confinement of

delinquents arrested by police-constables; and determine in the best possible manner, what supervision shall be exercised over the persons so confined, until such time as they are brought before the proper authority to answer to the charges and offences for which they were arrested and confined.

XIV. SUBSIDIES.

Subsidies to agriculture, &c.

427. The council may grant subsidies, by all suitable means, to agriculture, horticulture, education, hospitals, the sciences, arts, trades and manufactures, railways and steamboat companies or owners, under the restrictions hereinafter set forth.

Grant to agricultural societies, &c.

428. Give a grant to the agricultural society of the county, cause exhibitions or agricultural competitions to be held in the city and pay the expenses thereof in whole or in part; establish a suitable place for holding such exhibitions or competitions, and assist the development of agriculture to the best of its ability, by granting prizes or otherwise.

Subsidies to railways.

429. Subsidize one or more railway companies, whose lines may offer the greatest advantages to the travelling public and for the transport of freight and which may further the progress of the city on suitable conditions.

Subsidies to ferries.

430. Subsidize one or more lines of ferry steamers, on condition that the rates of ferriage and the number of crossings to be made daily be determined by the council and be observed, so as to facilitate communication between the city and neighboring localities on the Rivers Richelieu and St. Lawrence, and also give easier access to the markets.

Assist construction, &c., of roads and bridges.

431. Assist the construction, repair or maintenance of any road leading to the city, or of any bridge or public work, under the direction of the federal or provincial government, or of the corporation of any other municipality, or of a railway company.

Aid in building bridges, &c.

432. Aid in the building or repairing of any bridge, causeway, pier, wharf, macadamized or paved road, railway or other public work situate, in whole or in part, within the city or its vicinity.

Aid industries.

433. Aid one or more persons or firms or joint stock companies already established or to be established, which carry on or propose to carry on any trade or industry in the city.

Commutation of taxes may be granted.

434. The council may agree with any person, firm, association or company which has already established or proposes to establish any industry or manufacture, to grant a certain sum payable annually, for a period not exceeding ten years, as commutation for all taxes on the property used for such industry as well as on such industry itself.

Exemption from taxes.

It may also, with a view of encouraging such industry or manufacture, exempt such property or industry from all taxes for a period not exceeding ten years.

Exemptions of industries from taxes for certain time.

435. The council may, by by-law, exempt from municipal taxes, in whole or in part, for a period not exceeding twenty years, any industry, trade, manufacture or factory to be established within the limits of the city, as well as the land and immoveables required for the use of such industry, trade, manufacture or factory.

Not from certain taxes.

No exemption can extend to the work to be done or apportionments for work to be done to water-courses, drains, ditches, fences, front roads or streets.

Band of music.

436. The council may annually vote a sufficient sum for the purpose of raising, keeping and maintaining a band of music, provided the instruments belong to the city.

It may enter into all the agreements and even pass such by-laws as may be deemed necessary for the maintenance of such band and retain and protect its rights of ownership by all legal means.

How subsidies may be granted.

437. The aforesaid subsidies may be granted :

Subscribing for shares.

1. By taking, subscribing and paying for, in money or city debentures, shares in companies already formed or projected and for which such subsidies are intended ;

Giving or lending money, &c.

2. By giving or lending money, immoveable property or city debentures bearing interest, or both interest and sinking fund, to such persons or companies, or to the Federal or Provincial government ;

Guaranteeing by endorsement, &c.

3. By guaranteeing, by endorsement or otherwise, any sum of money borrowed by such persons or companies or by the said governments.

Security may be received when subsidies granted.

438. When the council grants a subsidy in virtue of this act, it may receive hypothecary or other securities for the performance of the conditions contained in the by-laws passed to that effect.

Sinking fund provided for.

439. Every by-law passed in virtue of this act may include the levying and collection of a special tax upon all the taxable property to cover the sinking fund and interest, which shall not exceed five per cent.

Nature of aid and conditions to be set out in certain by-laws.

440. By-laws made in virtue of articles 427 to 433 inclusively and 437 shall determine the nature of the aid to be given and the conditions under which it is granted.

How long such by-laws remain in force.

441. By-laws passed by the council in virtue of articles 427 and 429 to 433 inclusively and 437, remain in force for twelve months after they are finally adopted; they become null if, during that time, the interested parties do not avail themselves thereof, unless it be otherwise provided in the by-laws themselves.

By-law to be submitted for approval of electors if granting over certain sum.

442. Every by-law passed by the council in virtue of articles 427 to 433 inclusively and 437, when the sum granted, lent or to be guaranteed, exceeds the amount of one thousand dollars in capital, shall, before being finally sanctioned by the council, be submitted for the approval of the municipal electors of the city who are real estate owners, at a general meeting held within thirty days after the by-law is passed by the council.

Proviso, if interested parties do not avail themselves of by-law within certain time.

443. If, at the expiration of six months from the final passing of the by-laws granting subsidies, the interested parties have not availed themselves thereof, the council may, upon a three-fourth's vote of the members assembled in a special meeting, give the benefit of the same to one or more other persons or companies already founded or projected.

Recovery of loan or subsidy in certain cases.

444. In cases where those who have received a subsidy from the city do not comply or cease to comply with the conditions and guarantees stipulated by the by-law, the council may recover the amount of the loan or subsidy so granted or the value thereof by privilege upon the moveables and immoveables of the manufacturers or companies, as in the case of a municipal tax and with the same priority, unless it specially renounces to such privilege.

XV. INDEMNITIES, RELIEFS AND REWARDS.

Indemnity to persons for property damaged by rioters.

445. The council may indemnify persons whose property has been destroyed or injured, either wholly or in part, by rioters or persons tumultuously assembled, within the limits of the city.

Rate for such payments.

The council is authorized to levy, over and above any other tax, on the taxable property of the city, the amount which the corporation may be bound to pay for damages occasioned to property by rioters or person riotously assembled.

Recourse against corporation, in

In default of the council paying such damages within six months, according to the award of arbitrators, the

corporation may be sued before any competent court for the damages so occasioned.

Default of payment.

446. The council may relieve any person who has received any wound or contracted any sickness or disease working to stop a fire.

Relief to certain persons.

447. Grant rewards, in money or otherwise, to any person who performs a meritorious action at a fire, or who saves or endeavors to save any one from drowning or who saves or endeavors to save the life of a fellow creature.

Rewards.

448. Provide for the wants of the family of any person who loses his life at a fire, or while saving or endeavoring to save any one from a serious accident.

Provision for families of certain persons.

449. Contribute to the maintenance or support of poor persons residing in the city, who, from infirmity, age, or other causes, are unable to earn their own livelihood, and exempt them from the payment of taxes and water-rates

Poor

450. Establish and maintain poor-houses, houses of refuge, or other establishments for the support and relief of the destitute; and to aid charitable institutions established in the city.

Poor-houses.

451. Offer and give rewards for the discovery and arrest of persons who have committed criminal offences.

Rewards for discovery of crime.

XVI. LICENSES FOR THE SALE OF LIQUOR.

452. The council may prohibit the sale of all spirituous, alcoholic, vinous or intoxicating liquors to women, children, apprentices or servants.

Prohibition of sale of liquors to certain persons.

453. Prohibit the sale of spirituous, vinous, alcoholic and intoxcating liquors or allow the same under proper conditions and restrictions.

Regulation of sale of liquors.

454. Determine under what restrictions and conditions, and in what manner, the collector of provincial revenue shall grant licenses to shop-keepers, inn-keepers or other persons for the sale of such liquors; and fix the amount to be paid for each such license, provided that, in no case, shall such amount be less than that exigible under existing laws or by-laws.

Conditions under which licenses may be issued.

Transfer of licenses.

455. Prohibit the transfer of licenses and determine under what restrictions and conditions, and in what manner, the transfers shall be accepted by the collector of revenue, by exacting the payment of not less than ten dollars before the approval of the transfer.

Regulation of shop-keepers, &c.

456. Regulate shop-keepers, inn-keepers and other persons who retail liquors, as the council may deem expedient, in order to prevent drunkenness and disorder by day and by night.

Certificates to obtain licenses.

457. After the coming into force of this act, the council shall alone have the right to give certificates for obtaining licenses for inns and houses of public entertainment and every other license for the sale of spirituous liquors within the limits of the city; and such certificates shall be signed by the mayor or secretary-treasurer of the city and bear the seal of the corporation.

Temperance hotels.

458. The council shall have power to license temperance hotels on payment of an annual license of twelve dollars at the most.

XVII. OTHER MATTERS.

Fast driving.

459. The council may prevent horses being driven at an immoderate pace in the streets or passing on the side-walks, and may regulate the manner in which horses shall be left standing, whether tied or free, in the streets, yards or open sheds in the city.

Bells in winter.

During the winter season, whosoever shall drive any horse or beast of burden, whether it be ridden or harnessed to any vehicle through the streets of the city, without bells being attached to such horse or its harness for the purpose of warning foot-passagers, shall be liable to a fine of at least five dollars with the costs of suit, and in default of immediate payment of the fine and costs, to an imprisonment not exceeding fifteen days.

Riots.

460. Prevent all riots and noisy and disorderly meetings, and punish the authors thereof.

How public meetings may be held.

No public meeting shall be convened or held within the limits of the jurisdiction of the council without the consent of the mayor or council.

Keeping of streets in winter.

461. Regulate and determine the manner in which the streets shall be kept during the winter season by the council or by those persons who are obliged to do so.

462. Prohibit the use of winter vehicles in the streets of the city unless the horse or horses or other animals, when not harnessed in pairs, are so harnessed that the left runner of the vehicle shall follow the track of such horse or horses or other animals; and regulate moreover the length and breadth of the vehicles to be used on the roads, and in such case no person shall be allowed to make use of winter vehicles other than those above mentioned. Manner of harnessing horses to winter vehicles.

463. Abolish, suspend or alter the market-tolls and fees and reduce them in certain cases only, to encourage the use of winter vehicles known as "double sleighs" or sleighs with side shafts; and authorize the giving of prizes to farmers who constantly use such vehicles for bringing their produce to the markets of the city. Certain privileges may be granted to persons using double sleighs or sleighs with side shafts.

464. Preventing burials within the limits of the city; or for fixing the places where they may take place; compel the disinterment of bodies buried in contravention of this provision, except the interment of the bodies of priests or nuns or protestant clergymen in the churches of the city. Burials.

465. Preventing the profanation of burying grounds, graves, sepulchres, monuments or vaults, where the dead are buried. Profanation of burying grounds.

466. Prevent horses or other animals from being cruelly treated. Cruelty to animals.

467. Authorize the confiscation, for the benefit of the poor of the city, of any article offered for sale or sold or delivered, in contravention of the by-laws. Confiscation of articles.

468. Cause the houses and lots of the town to be numbered; to compel every owner, tenant or occupant to allow numbers to be affixed on their houses or lots, as also the name of the street or square. Numbering of houses.

469. Prohibit or regulate the cutting of ice opposite the city on the River Saint Lawrence and the River Richelieu; permit the same under certain conditions and restrictions, and determine at what place such ice may be taken. Cutting of ice.

470. Regulate the conduct of apprentices, servants, hired persons, day-laborers, or journeymen, whether they be of age or minors, towards their masters or mistresses, and the conduct of masters and mistresses towards the former. Masters and servants.

Impounding of animals.

471. Restrain and regulate the custody and abandonment of animals of all kinds, and to authorize the detention thereof in public pounds, and provide for the sale thereof for the penalty incurred, and the costs of prosecution and detention thereof.

Abuses prejudicial to agriculture.

472. Prevent or remove all abuses prejudicial to agriculture and not specially provided against by law.

Public pounds.

473. Establish public pounds for the safe-keeping of animals and poultry found astray or doing damage on the public ways and bridges or on the lands of others than the owners of such animals and poultry; determine the fees to be paid to such keepers of such pounds, the damages payable by owners of such impounded animal and poultry, and the manner in which such animal or poultry shall be sold, in the event of their not being claimed within a reasonable time, or in case the damages, penalties, fines and expenses shall not have been paid according to law, or the by-laws.

Dues, &c, for public pounds.

474. Establish a tariff of fines and dues which shall be paid to the public pounds which are now kept, or which shall hereafter be established in the city.

Dogs.

475. Regulate and prevent the allowing of dogs to go at large in the city, and authorize the impounding and the destruction of all dogs wandering at large and the destruction of dogs whose owners reside in the city and have not paid the tax thereon or of dogs kept in contravention of the by-laws of the council.

Drinking fountains, &c.

476. Establish, regulate and maintain drinking fountains and public privies in the city.

By-laws respecting common.

477. The council may pass by-laws in connection with the common which has existed and is claimed by the inhabitants of the said town, as *censitaires* of the seigniory of Sorel.

Corporation to represent owners of.

The corporation may represent the owners of the common, for all lawful purposes, in all legal proceedings or otherwise, to the effect of enforcing in the rights of the inhabitants owners of the said common, against all third parties retaining the immoveables subject to the common rights or for other purposes; but this provision shall, in no manner, affect the rights of the said inhabitants owning the said common as such.

Council may have certain works performed and charge same to proprietor, &c.

478. Whenever the council shall have passed any by-law or by-laws directing work to be done within the said municipality or in any part thereof, and any proprietor shall be unable from absence, poverty or any other cause, to perform the said work, it shall be lawful for the said council to cause the work, which such proprietor may be bound under such by-laws to perform, to be done, and the sum so expended by the council shall remain a lien upon the property, as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said council, with interest at the rate of six per cent.

Local by-laws generally.

479. The council is authorized, in the interest of the city, to make all other local by-laws not contrary to law.

TITLE XI.

WATER-WORKS.

Maintenance.

480. The council may maintain, improve, increase, enlarge alter or remove the present water-works or a portion thereof with its appurtenances and accessories, within the limits of the city, and outside of the same within a radius of five miles.

Existing by-laws respecting.

It may maintain existing by-laws, amend them and make others for the maintenance and administration of the water-works.

Buildings, &c.

481. The council may make, construct, lay and maintain, within its limits and outside of the same within a radius of five miles, all buildings, machinery, reservoirs, basins pipes and other works necessary to conduct water throughout the city and parts adjacent as aforesaid, as well as in the River Saint Lawrence and River Richelieu.

Extent of powers of council, &c.

482. The powers of the council for conducting water throughout the city and for the construction and maintenance of all buildings, machinery, pipes, reservoirs, basins and other apparatus and works extend beyond the limits of the city within a radius of five miles and over the River Saint Lawrence and River Richelieu.

Acquisition of land, &c.

483. For the purposes of the water-works the council may acquire and hold any land, servitude, usufruct in the city, or within a circuit of five miles from the city limits; acquire a right of way wherever it may be necessary; pay any damages occasioned by such works either to buildings or lands, pass over and lay its pipes or other apparatus in

the River Saint Lawrence or the River Richelieu, and take all steps necessary to protect all apparatus or works which may be laid or done.

Powers respecting obstructions, &c.

484. The council may prevent all persons from throwing filth, placing obstructions or committing nuisances or from anchoring, placing or wintering any boat, or other vessel within a radius of four hundred feet above and fifty feet below the place where the water of the water-works is drawn from the River Richelieu or from any other place where it may draw the same hereafter.

May let out works.

485. The council may enter into contract with any person for the construction of the said water-works in whole or in part; superintend by its officers the works when completed; enter, during the day-time, upon the lands of private individuals or others for the purposes aforesaid, and, make excavations, and take and remove stones, soil, rubbish, trees, roots, sand, gravel, or other materials, but by paying or offering a reasonable compensation for such materials, and by conforming in all things with the provisions hereinafter made.

Expropriation.

486. When the parties cannot come to an amicable arrangement with respect to the acquisition of any immoveable property for the water-works, either within or without the city limits, or the right of way through such property, or any servitude thereon, the same may be acquired by expropriation in the manner herein provided with respect to expropriations generally.

Entering upon property.

487. The city may enter upon any land or property street or highway, for the purpose of laying or repairing pipes and other necessary works in connection with the water-works.

Interfering with officers, and damaging works.

488. If any person prevents the city, or any person in its employ, from doing any of the said works, or from exercising any of the powers and rights hereinbefore granted, or embarrasses, or interrupts them in the exercise of such rights, or causes any injury to the water-works, apparatus or the accessories thereof, or obstructs or prevents the working of the water-works, or the apparatus or accessories thereto belonging, or any portion thereof, such person shall be liable, in addition to the fine imposed under article 602, to the damages that the city may suffer from any such act; such damages, with costs, may be recovered by complaint or suit before the ordinary courts having jurisdiction in the matter.

489. Whoever shall apply, or cause to be applied, any pipe or conduit to communicate with any pipe or conduit belonging to the said corporation, or, whoever shall obtain or make use of the waters belonging to the said corporation, without their consent, shall incur and pay to the corporation the sum of one hundred dollars, with also another sum of four dollars, for each day during which such pipe shall be so applied; which said sums, with the costs of suit incurred in that respect, may be recovered by civil action before any court of justice having jurisdiction to that amount. Unlawfully using water.

490. The council may make by-laws to prohibit any occupant of a house or building, supplied with water from the water-works, from furnishing water to others, or from using it otherwise than for his own use, or from increasing the supply of water agreed for, or from wasting it. Prohibit supply to persons not entitled or wasting.

491. The council may prescribe the size, quality, strength of the pipes, valves, cocks, cisterns, water-closets, baths, and other apparatus to be used in the city, and also their location; provide for hydrometers to be placed in buildings or establishments, for the purpose of determining and measuring the quantity of water used therein; and fix the amount of the annual rent to be paid therefor; finally determine the conditions on which water will be supplied in certain cases or generally or agree upon charges or special supplies for a limited time and for a fixed purpose. Regulation of pipes, &c.

492. The council may, by by-law, establish a tariff for the price of the water, and the time and mode of payment therefor. Tariff.

493. The council may make by-laws to prevent the pollution of the water in the aqueduct or reservoirs or the rivers near the city and the practising of frauds upon the city, with regard to the supply of water from the water-works, and regulate all other matters having reference to the water-works and to the proper working thereof. Pollution of water.

494. As soon as the corporation is ready to furnish water to any part of the city not already supplied, public notice thereof shall be given; and after such notice, all persons liable to the payment of water-rates in such part of the city, whether they consent or not to receive the water, shall pay the rates fixed by the tariff. Notice to be given of readiness to supply.

Water introduced at expense of corporation.

495. The introduction of the water into houses or other buildings is performed by and at the expense of the city, but the distribution of the water through such houses or buildings, after being thus introduced into them, is made by and at the expense of the proprietors or occupants.

If buildings at a distance from the line of street.

In all cases where such house or building stands at a distance from the line of the street, the city lays the distribution pipe to the line of the street and has the right to exact payment of the water-rates from the proprietor, although the latter refuses or neglects to connect such pipe with such house or building.

If proprietor does not make such distribution and city exacts water rates from tenant.

496. If any proprietor refuses or neglects to make such distribution, and the council exacts payment of the water-rates from the tenant, then such tenant may withhold from the proprietor, out of the rents to be paid him for the property he occupies, the amount thus paid by him, unless otherwise provided in the lease.

Wasting, &c., water.

497. If any person disturbs or damages any water pipe, valve, cock, cistern, water-closet, bath, or other apparatus or causes them to be so used or contrived as that the water supplied from the water-works be wasted, or unduly consumed, or if he refuses or neglects, to pay the rates lawfully imposed for the water supplied to him, for thirty days after the same are due and payable, the city may in such cases cut off the water and cease the supply so long as the cause of complaint is not removed ; which shall not prevent the rates from running as before, or exempt such defaulter from the payment of such rates as if the water had continued to be supplied to him.

Special agreements for extra supply.

498. The city may make a special agreement with consumers for the supply of water, in special cases where it is considered that there is a greater consumption of water than in ordinary cases.

Houses with several occupants

499. In all cases of a dwelling house or other building being tenanted by two or more tenants, sub-tenants or families, the city may require from the proprietor that a separate and distinct service pipe be by him provided for each such tenant, sub-tenant or family, occupying separate appartments so that the city may at all times have control over the supply of water furnished to each such tenant sub-tenant or family ; and if the proprietor, after being notified in writing to that effect by the secretary-treasurer, refuses or neglects to comply with the requirements hereof, within a reasonable delay, not to exceed fifteen days, he shall be liable to the payment of

the rates imposed for the water so supplied to the said tenants, sub-tenants or families; and such liability, on the part of the proprietor shall continue so long as he does not comply with the requirements aforesaid.

Application of preceding article to rows of dwelling houses.

500. The provisions of the preceding article apply to any proprietor of a row of dwelling houses or tenements contiguous to one another, who refuses or neglects to provide each such house or tenement with a separate and distinct service pipe, after notice given to him, as aforesaid.

Several tenants in one house.

They also apply to the proprietor in all cases where the number of tenants, sub-tenants or families in a dwelling-house, is such that it is impossible to provide a separate service pipe for each of them.

Power of corporation in each such cases.

It shall be lawful for the corporation, in such cases, to exact from the proprietor the ordinary price of water for each such tenant, sub-tenant or family.

Special compensation for water.

501. The council may, by by-law, fix a special compensation for water which shall be exigible from every proprietor of an unoccupied house, as also for every service pipe under the ground on which a house has been demolished or removed to leave the lot vacant; and likewise order that every proprietor, who has one or more tenants or occupants in his houses or buildings, shall be obliged to pay the charges for water in the place and stead of such tenants or occupants, if he refuses or neglects to provide a distinct and separate supply pipe for each tenant or occupant.

Quantity of of water supply not to be guaranteed.

502. The city shall not be bound to guarantee the quantity of water to be supplied, and no one can refuse to pay the annual tax or compensation for the use of the water, on the ground of the insufficiency of the supply thereof or the want of water owing to cold or other causes.

TITLE XII.

LIGHTING OF THE CITY.

Lighting. Maintenance of gas-works.

503. The city may provide for the lighting thereof by means of electricity or otherwise; it may maintain, improve, increase, enlarge, alter or remove the present gas-works in the city, in whole or in part, as well as all the appurtenances and accessories thereof, and place the same in some other place in the city or outside of the same, within a radius of two miles from its limits.

Proprietors to allow placing of gas fixtures on their houses.

504. The council may compel the proprietors of real estate in the city to allow the necessary work for the purpose to be done on their respective properties and to allow all the pipes, lamps and apparatus or posts to be placed upon their houses; provided that, in such case, the expense of the materials and work shall be borne by the city, that the solidity of the buildings be in nowise affected, that all damages which may be caused be paid by the council and that every proprietor be indemnified by the city if there be occasion therefor or by the private individuals or company performing such work.

Powers of council respecting lighting.

505. The council shall, as regards the management of the gas-works or of the light department, have all the powers necessary for providing light in an effective manner for the public requirements and for all persons or companies desiring to light their buildings or residences.

Provisions respecting water-works to apply.

The provisions of this act concerning the water-works shall apply *mutatis mutandis* to the management of the gas-works, the maintenance, alteration or removal of the same, to the changing of the site thereof, the acquisition or expropriation of property, as well as to the pipes, conduits, valves, cocks and other works connected with such department. Nevertheless any citizen shall be at liberty to consent or to refuse the lighting by gas.

Power to contract, &c.

506. The council may enter into all agreements and stipulations for the supply of gas for lighting; sell the residue and products of the gas-works, acquire and work all apparatus, instruments and machinery suitable for the manufacture and purifying of gas; make use of any gas-meters for establishing the quantity of gas consumed in each and every case, either by the cubic metre or by the cubic foot, and finally make all by-laws concerning the proper administration of that department.

TITLE XIII.

VALUATION AND ASSESSMENT ROLL.

Appointment of assessors.

507. The council shall, when it deems expedient, appoint three valuators or assessors, one of whom shall be or must have been an experienced merchant, who shall, within the delays and in the manner prescribed by the council, value the taxable properties in the city according to their actual value.

Assessment roll.

They shall make a roll in which they shall insert all information of public interest required by the council.

Roll when to be made and revised.

Such valuation shall be made at least every two years, and the roll shall be revised every year.

Basis for valuation by assessors.

508. The assessors, in assessing the real estate in the city, shall take, as a basis for their valuation, the actual value of the property, if they consider that the rent is not in proportion to the value of the property assessed.

Lots occupied by proprietors.

When the property is occupied by the proprietor himself or is in his possession, the assessors shall fix upon the amount of assessment to be paid according to the rent which such property might be worth and might fetch or on the actual value of such property.

Vacant lots.

Vacant lots shall be assessed according to their actual value.

In what actual value shall consist.

509. The actual value of taxable real estate in the city shall comprise the value of the buildings, workshops and machinery thereon erected and that of all the improvements which have been made to it.

Persons to answer truthfully to assessors.

510. Every proprietor, tenant or occupant of any assessable property or object shall be obliged to answer, correctly, all questions put to him by the assessor upon this subject, and to give all necessary and possible information.

Penalty for not so doing.

In the case where the said proprietor, tenant or occupant should refuse to answer the questions put to him, or if the answers he has given on any subject or matter of information, which is required to be inserted upon the roll, be false or incorrect, he shall be liable to a fine of not more than twenty dollars and not less than eight dollars, or to imprisonment for not more than one calendar month.

Deposit of assessment roll.

Notice.

511. The valuators shall lodge the valuation and assessment roll in the office of the council, immediately after its completion; and public notice of such deposit shall be given by the secretary-treasurer, in the two days following.

Open to inspection.

The roll will remain open to public examination for thirty days.

Complaints.

512. During such space of time, any person who deems himself aggrieved by the roll as drawn up, personally or for another, may appeal therefrom to the council, by giving to that end a written notice to the secretary-treasurer stating the grounds of his complaint.

Hearing of complaints.

513. The council in general committee at its first session, or as soon as possible after the expiration of the thirty days above mentioned, may hear the parties and their witnesses as well as the assessors under oath and

shall report to the council, which shall maintain or alter the roll as it may deem proper, and shall declare it to be homologated and in force until another roll comes into force.

If property diminished in value after completion of roll.

514. If, after the valuation roll for real estate shall have been declared closed as aforesaid, any property in the city shall be considerably diminished in value, either by fire, the pulling down of buildings, accidents, or any other cause, the council may, on petition from the owner, cause the valuation of such property to be reduced by the assessors to its actual value.

Omitted property, &c.

If any omission has been made in the assessement roll, or if any new building tending to increase the value of real property in the city, shall have been erected subsequent to the closing of the valuation roll, or if one or more lots had been detached from farms or lands under cultivation and sold as town lots after the closing of such roll, the council may order the assessors to value any property, so omitted or increased in value as aforesaid, for the purposes of adding it to the supplementary roll.

Additions to roll.

515. The council may, at any time after the closing of the roll, cause all persons, all taxable property omitted from the roll, as well as all taxable property added afterwards to be assessed entirely or proportionately so as to be entered on a supplementary roll which shall be opened by the secretary-treasurer.

Erasing of names on roll.

516. After every change of owner or occupant of any land set forth in the valuation roll in force, the council, on a written petition to that end, and after sufficient proof, may erase the name of the former owner or occupant, and inscribe on such roll the name of the new one, on payment of a fee of fifty cents which shall be paid into the municipal treasury ; but such change of owners shall in nowise affect the list of electors in force.

TITLE XIV.

TAXES.

SECTION I.

NON-TAXABLE PROPERTY.

Property exempt from taxation.

517. The following property is exempt from taxation in the city :

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, office or

person, in trust for the service of Her Majesty, Her Heirs and Successors ;

2. All Federal and Provincial property and buildings ;

3. Every place of public worship, presbytery and its dependencies, and every burying-ground ;

4. Every public school-house and the ground on which the same is constructed ;

5. Every educational establishment subsidized by the state or by the city, and the ground on which the same is constructed ;

6. All buildings, ground and property occupied or possessed by hospitals or charitable or educational establishments ; but properties in the possession of such religious, charitable, or educational establishments for purposes of revenue shall not be exempt from taxation.

7. Every court house and district gaol and the grounds attached thereto ;

Exemption does not extend to certain lots, &c. occupied by tenants.

However, this exemption shall not extend to lots or to other buildings built upon lots leased or occupied by tenants under Government in the said city ; and such lands belonging to the Government, occupied by tenants, shall be valued and assessed in like manner as other real property in the said town, and such rates or assessment shall be paid by the said tenants or occupiers thereof, as expressly assessed upon them personally.

SECTION II.

IMPOSITION OF TAXES.

General power to levy taxes annually.

518. In order to raise the necessary funds to meet the expenses of the council and to effect all necessary and beneficial public improvements in the city, for the management of the property of the city, and to cover the expenses of administration generally incurred in the interest of the city, the council shall have the right to levy annually, upon persons and moveable and immoveable property in the city, all general and special taxes, contributions, licenses and other imposts, as hereinafter provided.

519. The council may make by-laws :

By-laws for imposing of taxes on certain persons, &c.

To impose and levy annually the taxes, contributions or licenses hereinafter mentioned upon all persons, commercial or financial corporations, firms, insurance or railway companies and their agents or employees, and upon all moveable and immoveable property in the city, with the exception of farms under cultivation and not subdivided into building lots, which shall not hereafter be subject to

the payment of any tax exceeding twenty-five cents in the hundred dollars on the value thereof.

Special assessments upon persons interested in public works.

520. To levy by special assessment upon all moveable or immoveable property or upon both belonging to persons who, in the opinion of the council, are interested in a public work under the control of the corporation and who will benefit by such work, all sums of money necessary for the payment of the construction or maintenance of such work.

Special assessments.

521. To levy moneys, by special assessment, for any object whatsoever within the limits of the powers of the council, upon all property or only upon immoveables comprised within the limits of the city, upon a petition of the majority of rate-payers who will have to pay such tax, to the amount and upon the conditions set forth in the petition.

Proviso as to certain persons exempted.

In such case, those who are exempt from taxation under the provisions of this act shall be liable to the assessment imposed under this article.

Taxes may be levied upon.

522. To levy and collect the following amongst other taxes :

Real estate.

Upon every lot of land, town lot or portion of a lot, whether there be buildings erected thereon or not, with all buildings thereon erected, an amount not exceeding one cent per dollar of their actual value, as shewn on the assessment roll of the city.

Tenants.

523. To levy upon and collect from every tenant paying rent in the city an annual sum not exceeding six cents in the dollar on the amount of the rent ;

Occupants.

Such tax shall be exigible also from the occupant of a property in proportion to the estimated value of his occupation as shewn on the assessment roll.

Stocks in trade.

524. To levy and collect upon all stocks in trade or goods kept by merchants or traders exposed for sale on shelves, in shops or kept in vaults or warehouses, in wood or coal yards or in any other place whatsoever, a tax not exceeding one per cent on the average estimated value of such stock in trade or goods, in addition to the license to be taken out for carrying on trade.

Poll-tax.

525. To levy upon and collect from every male inhabitant of the age of twenty-one years who shall have resided in the city for six months, and not being a proprietor or tenant nor an apprentice or domestic, an annual sum

of one dollar, provided he be not otherwise entered on the assessment roll.

Salaries.

526. To levy upon and collect from every person in the city receiving an annual salary of three hundred dollars or over payable in any manner whatsoever, an annual tax not exceeding one per cent on the amount of such yearly salary.

Horses and vehicles.

527. To levy upon and collect from every owner or possessor of horses, animals or vehicles whatsoever, a sum not exceeding one cent in the dollar of the value which the council or the valuators may determine.

Certain vehicles, &c., exempt.

Working vehicles as well as the plant and agricultural implements of farms under cultivation shall be exempt from all taxes whatsoever.

Dogs.

528. To levy and collect, by license or otherwise, an annual sum not exceeding three dollars, from every owner or possessor of a dog kept in the city, except the dogs kept by farmers on their farms.

Regulations therefor.

Stray dogs, &c.

The said council shall have power to regulate the collection of such tax or license, and to cause to be destroyed or shut up any dog allowed to roam and whose owner shall not have complied with the above provisions.

Certain taxes may be collected by license, &c.

529. The council may levy and collect the tax specified in article 535 from the following persons, by license or otherwise: all owners, possessors, agents, directors and agents of theatres, circuses, menageries, pigeon-hole, bagatelle and billiard tables, nine-pin alleys or other games or amusements of every kind.

Merchants, &c.

530. By license or otherwise, upon all merchants, pedlars, traders, manufacturers and their agents; upon all proprietors or keepers of wood and coal yards and abattoirs; upon all money-changers or exchange-brokers, pawnbrokers and their agents; upon all bankers, banks, loan or building societies or their agents; upon all fire and life insurance companies or their agents, or employees, whether they reside in the city or not, even those who do business therein temporarily or otherwise; upon all telegraph and telephone companies and their agents or operators.

Auctioneers, &c.

531. By license or otherwise, upon all auctioneers, grocers, bakers, butchers, hawkers, hucksters, sausage makers, livery stable keepers, brewers and distillers, dry goods merchants, persons selling on samples, commercial or joint stock or incorporated companies or their agents or representatives in the city.

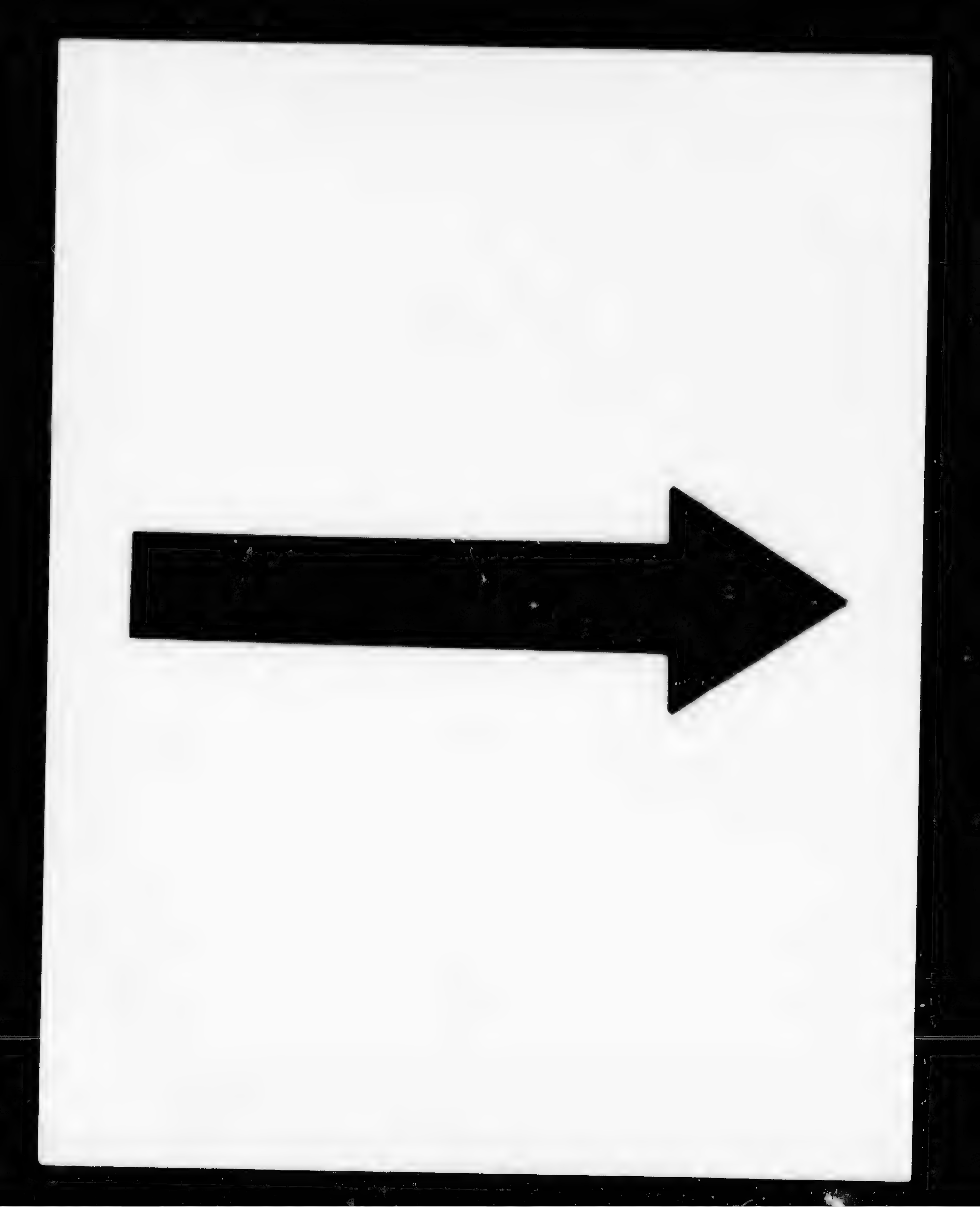
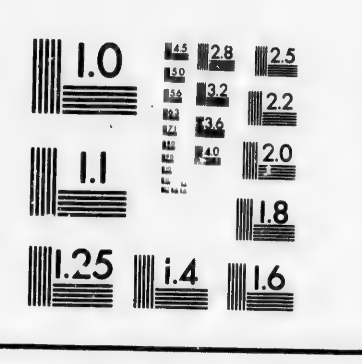
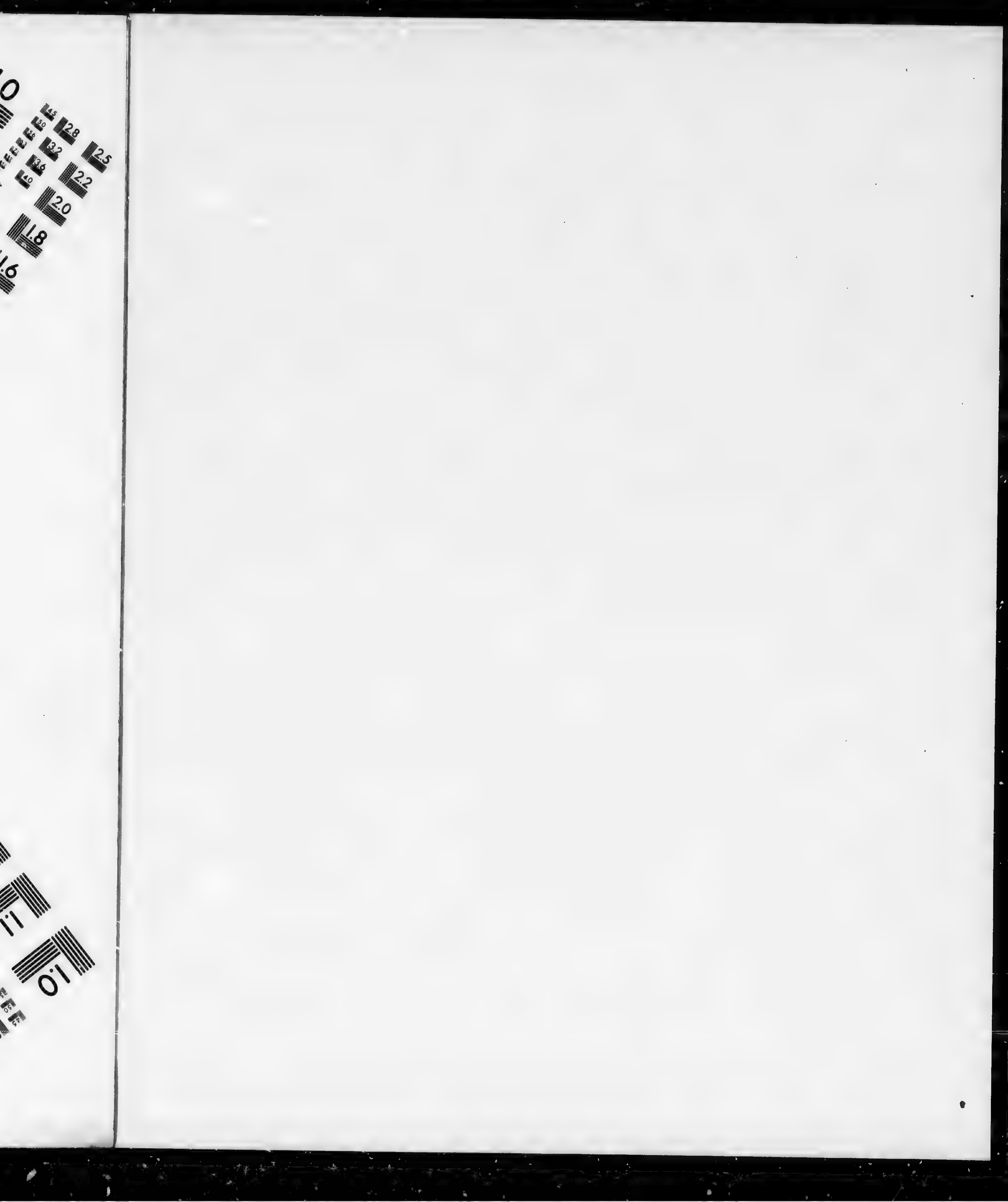


IMAGE EVALUATION
TEST TARGET (MT-3)



6"



Non resident traders, &c.

532. By license for a year or for a determined period or otherwise, upon all persons who do not reside within the limits of the city and who sell, retail, expose for sale or peddle any species of goods and effects or cause such goods or effects of any nature whatsoever to be sold, retailed, peddled or exposed for sale, such yearly sum as the council may determine.

Manufacturers of ginger beer, &c.

533. By license or otherwise, upon all manufacturers of ginger beer, spruce beer and root beer and the agencies and agents of each of them;

Brick manufacturers, &c.

Upon all brick manufacturers, wood dealers; upon tanneries; upon all owners or occupants of mills driven by steam or water-power; upon all scales;

Advocates, &c.

Upon all advocates, physicians, apothecaries, notaries, land surveyers, dentists, bailiffs and other professions or occupations;

Business.

Upon all business, manufactures, occupations, arts, trades and professions exercised in the city, whether they be mentioned in this act or not, and

Persons carrying on such.

Upon all persons by whom they may be exercised or carried on in the city, either on their own account or as agents for others, temporarily or otherwise, and upon the premises in or upon which they may be carried on or exercised.

Special sales of bankrupt stocks.

534. By license, a sum not exceeding one hundred dollars upon all persons coming temporarily into the city to sell or cause to be sold therein wares or merchandize belonging, in whole or in part, to a bankrupt estate or other stocks of merchandize, goods or articles either by auction or by private sale.

Amount limited.

535. The license to be imposed in virtue of articles 529 and following shall in no case exceed one hundred dollars, and shall be determined and prescribed by by-law or by resolution.

Penalty for not taking out license.

In default of taking out such license, the delinquents shall be liable to a fine not exceeding one hundred dollars, and, in default of payment of such fine and costs, to an imprisonment not exceeding three months.

Signature to licenses and rights conferred.

536. Every license signed by the secretary-treasurer shall give the bearer thereof the right to carry on his art, trade or industry for the period determined by by-law.

Sum to cover losses.

537. The council may, whenever it deems advisable, authorize, by resolution, the secretary-treasurer or any other officer to add to the amount of all taxes to be levied

upon the taxable property in the city, a sum not exceeding ten per cent to cover the losses, costs and bad debts and for the discount which the council may allow for taxes, rates or assessments paid before they are due.

Ferry licenses over St. Lawrence and Richelieu.

538. The right of granting licenses for ferrying from one side of the River St. Lawrence to the other, or over the River Richelieu, to arrive or leave within the limits of the town of Sorel, shall belong exclusively to the said council of the city.

Conditions under which granted.

539. The council shall grant the said licenses upon such conditions and under such obligations and restrictions as it may order by a by-law, and shall establish at the same time one or more tariffs of tolls for such ferrying.

Application of funds from ferry licenses.

540. The sums levied for ferry licenses as aforesaid shall form part of the funds of the city, any provisions to the contrary notwithstanding.

Sums not specially applied, &c.

541. All sums of money or revenues not specially appropriated shall form part of the general funds of the city, as well as every surplus from special revenues.

Application of general funds.

542. All sums of money forming part of the general fund of the city may be employed for any purpose within the scope of the council.

Application of fines.

543. All fines recovered under this act shall be paid into the hands of the secretary-treasurer, and the proceeds of all licenses granted under this act shall form part of the fund of the city, any law to the contrary notwithstanding.

SECTION III.

COLLECTION OF TAXES.

§ 1.—*Mode of collection.—Miscellaneous provisions.*

Notice to rate-payers to pay taxes.

544. Immediately after the homologation of the valuation and collection roll or the annual revision thereof, the secretary-treasurer shall give public notice of the fact and shall require all persons liable for the payment of the sums therein mentioned to pay the same at his office, within the twenty days following the publication of such notice.

Demand of payment.

At the expiration of such delay of twenty days, the secretary-treasurer shall make a demand of payment of all sums entered in the collection roll and remaining uncollected, by serving or causing to be served upon them per-

sonally or at their domicile, or by registered letter, a special notice to that effect.

Seizure and sale in default of payment.

545. If, after the fifteen days next following the demand made in virtue of the preceding article, the sums due by the persons entered on the collection roll have not been paid, the secretary-treasurer shall levy them together with costs, by seizure and sale of the goods and chattels of the debtors, which may be found in the city.

Warrant for such purpose and signature thereto.

546. Such seizure and sale shall be made under a warrant signed by the mayor, the recorder or two aldermen addressed to a constable, who shall act under his oath of office and be subject to the provisions respecting executions in virtue of a writ *de bonis* issued by the Circuit Court.

Officer signing not personally responsible.

The mayor, the recorder or two aldermen in giving and signing such warrant shall act under the responsibility of the corporation.

Taxes by way of licenses payable on demand. Levy in default of payment.

547. All taxes imposed by means of licenses by the city shall be payable on demand by the secretary-treasurer or a municipal officer, and, in default of payment, may be at once levied by a warrant addressed to a bailiff or constable, issued under the hand and seal of the mayor, of the recorder or of an alderman, and the goods or effects may be seized and sold for the payment of such licenses by such bailiff or constable who shall follow the procedure respecting the execution of a writ *de bonis* issued by the Circuit Court, and who shall be liable to the fines and subject to the responsibilities set forth in the case of the execution of such writ *de bonis*, except all recourse for fines incurred.

Opening of doors.

548. If the debtor is absent, or if there is no person to open the doors of the house, cupboards, chests or other closed places, or in the event of refusal to open the same, the seizing officer may, by an order of the mayor or recorder or any justice of the peace, be empowered to cause the same to be opened by the usual means, in presence of two witnesses with all necessary force, without prejudice to coercive imprisonment, if there be refusal, violence or other physical obstacle.

Sale not to be stopped except upon judge's order.

549. The sale on such warrant shall not be stopped, except on an order of a judge of the Superior Court, made on petition presented either in chambers, or to the Circuit or Superior Court.

Council may decree that all assessments,

550. It shall be lawful for the council to decree, by a resolution, that all assessments on property, or personal taxes,

water taxes and all other municipal dues or claims, general or special, which may exacted from or payable by any and every rate-payer, be included, as far as possible, in one and the same account, in the name of the assessed party, so as to form one complete statement of all his taxes, assessments and dues, including the accounts for water and gas, the rents payable by tenants of shops or market stalls, when rented under deeds of lease; and the total amount of such account shall be levied by seizure under warrant of distress issued in the usual manner for the levying of taxes and without any suing and obtaining judgment against the debtor.

&c., be included in one account

Total to be levied by seizure, &c.

551. When the secretary-treasurer shall have furnished a ratepayer in arrear with a detailed statement of his account, he shall not be bound to repeat the same details in the account which he may subsequently furnish, but he shall mention, in a lump sum, the amount of which he shall have previously given the details to such rate-payer, and he shall be bound to give details only of the new arrears of that year.

Account in detail to be furnished once only.

He shall, however, make out an account in detail upon payment of a fee of fifty cents which shall revert to the municipal treasury.

Except on payment of fees.

552. When proceedings are taken for the recovery of any tax or debt whatsoever all that shall then be due by the person interested may be included in the same claim, as well as the cost of advertizing, and all other costs with ten per cent in addition.

Amount to be proceeded for.

When several properties are sold belonging to different proprietors, the costs of sale shall be distributed over the various properties according to their valuation at the time of the sale.

Costs how distributed in certain cases.

553. The debt due to the corporation for gas is a privileged debt in favor of the corporation the same as for taxes and assessments; but such privilege shall not come before the claim for rent beyond an amount representing the use of such gas for six months.

Debt due for gas, privileged.

554. All municipal taxes, imposed on any immoveable, may be collected from the tenant, occupant or other possessor of the land, as well as from the owner thereof, or from any subsequent purchaser of such land, even when such tenant, occupant, possessor or purchaser is not entered on the valuation roll, but the city may first discuss the moveable and immoveable property of the owner; however the non-payment of the property tax by the fifteenth December

Collection of taxes from tenants, &c.

shall not have the effect of rendering the tenant of the property incompetent as an elector.

Subrogation of person who pays taxes.

555. Any person, not being the proprietor, who shall pay municipal taxes imposed in consideration of the immoveable which he occupies, shall be subrogated, without other formality, in the privileges of the corporation on the moveable or immoveable property of the proprietor, and may, unless there be an agreement to the contrary, withhold from the rent or from any other debt which he owes him, or recover from him by personal action, the amount which he has paid in principal, interest and costs.

Interest on taxes.

556. Taxes and municipal dues shall bear interest, at the rate of six per cent per annum, from the expiration of the delay during which they ought to be paid, without its being necessary for such purpose that a special demand of payment be made.

Not to be remitted.

Neither the municipal council nor its officers shall remit such interest.

Certain taxes may be levied by warrant.

557. All taxes, assessments or licenses imposed by any by-law under this act, may, when a person is liable thereto and when his name does not appear upon the valuation roll then in force, be levied, if not paid on demand, upon all the goods and effects found in the possession of such person within the city, by a constable, by means of a distress warrant signed by the mayor, by the recorder or by two aldermen.

Dues and interest privileged.

558. All municipal dues and the interest thereon shall constitute a privileged debt exempt from the formality of registration; and in the case of distribution of moneys by authority of justice or according to law or by voluntary liquidation, such dues shall be collected in preference to all other claims:

Taxes may be sued for.

559. The payment of municipal taxes may be claimed by an action brought in the name of the city before the magistrate's court, or the recorder's court, or the Circuit Court, or before the mayor.

Reduction for payments made within certain time.

560. It shall be lawful for the council at any time to decree by resolution that the rate-payers, who pay their taxes or municipal dues within a specified period, shall benefit by a reduction which the council shall determine,

Notice to be given.

and the secretary-treasurer shall give public notice of such resolution.

561. The immoveables, moveables or effects to be sold under the provisions of this act, for the recovery of taxes, assessments or other dues, shall be put up to public auction, but, such moveables or effects shall be exempt from auction duty and it shall not be necessary that they be sold by a licensed auctioneer.

Property sold for taxes to be sold by auction and exempt from auction duty, &c.

§ 2.—*Special provisions respecting the sale of immoveables liable for taxes.*

562. If the taxes imposed on one or more immoveables have not been paid within the three years next after the notice of deposit of the roll, because the person bound to pay them does not reside in the town, or if he resides therein, because sufficient moveable property to him belonging has not been found therein, the mayor, the recorder, or two aldermen may issue, under their hand, a warrant specifying the number and description of the lots, the amount of taxes due, and ordering the secretary-treasurer to seize and sell the immovables therein described, and in respect of which such taxes are due in the manner set forth in the following articles.

Sale of real estate in arrear for taxes, &c., during certain number of years.

563. The secretary-treasurer shall, every year, between the first and the fifth days of February, make a list of all who are in arrears for taxes, assesments, apportionments, contributions or charges imposed upon one or more immoveables in the city, as well as the name of the owner if he is known, if he be unknown, mention thereof is made on the list and the amount due.

List of property to be sold.

564. He shall cause such list to be published three times in the Quebec Official Gazette and six times in a French newspaper in Sorel, with a notice that such immoveables will be sold on the first Monday of March following at the public hall.

Publication thereof.

He shall give public notice of such sale during fifteen days, and a special notice by means of a registered letter, sent to the last known address of each owner of an immoveable to be sold

Notice of sale

565. The secretary-treasurer shall proceed to sell such immoveables within the delay mentioned in articles 547 and 548 under penalty of a fine of twenty dollars for each contravention.

Sale to be made within certain delay.

The council shall not have power to prevent such sale nor to allow delay nor to remit the fine of the secretary-treasurer in the case of an infringement of this act.

Council cannot prevent sale, &c.

Proceedings at sale.

566. At the time appointed for the sale, the secretary-treasurer of the city, or some other person acting for him, shall sell to the highest bidder, those lands described in the published list upon which taxes are still due, after making known the amount to be raised on each of such lands, including therein a part of the costs incurred for the sale, proportionate to the amount of the debt.

Persons who become purchasers.

567. Any person offering then and there to pay the amount of the moneys to be raised, together with the costs, for the smallest portion of such lands, shall become the purchaser thereof, and such portion of the land must be at once adjudged to him by the secretary-treasurer who sells such portion of the property as appears to him best in the interest of the debtor.

Price to be paid at once.

568. The purchaser of any land or portion of land must pay the amount of his purchase money immediately upon the adjudication thereof.

Resale on default.

In default of immediate payment, the secretary-treasurer shall either at once put up the land for sale or adjourn the sale to the following or any other day, not more than eight days distant, by giving all persons present notice of such adjournment in an audible and intelligible voice.

Adjournment of sale in certain cases.

569. If, at the time of the sale, no bid is made or if all the lands put up cannot be sold on the first Monday in March, the sale must be adjourned to the following or any other day within eight days, or be made in the manner set forth in the last provision of the preceding article.

Certificate to purchaser.

Rights thereafter.

570. On payment by the purchaser of the amount of his purchase money, the secretary-treasurer shall give a certificate under his signature to such purchaser, specifiying the particulars of such sale, and the purchaser may forthwith enter upon and take possession of such lot or parcel of land.

Redemption of lands sold.

571. Every proprietor whose immoveable has been sold for municipal taxes may resume possession of the same within twelve months from the date of the sale by paying to the purchaser the price of sale, all expenses incurred for preserving the same, all taxes and the value of all public works imposed or made upon such immoveable, with ten per cent on the whole.

Purchaser not to deteriorate property during certain time.

The purchaser cannot, during the said twelve months from the sale, despoil, destroy or deteriorate any portion of the said immoveable or allow the same to be damaged, saving the ordinary use thereof.

572. Any person, whether authorized or not, may redeem the lot in the same manner, but only in the name and for the benefit of the person who was the owner thereof at the time of the adjudication.

Who may redeem.

573. If, at the expiration of twelve months from the time of such adjudication, the land so adjudged is not redeemed as aforesaid, then the secretary-treasurer, on demand by the purchaser, his heirs, assigns or representatives, and upon proof of the payment of the arrears of any other assessments which, in the meantime, have become due thereon, shall execute a deed of sale in due form, conveying, in the name of the city of Sorel, the property so adjudged to such purchaser, his heirs, assigns or representatives.

Deed of sale to purchaser, if property not redeemed within certain time.

574. Such deed of sale shall be a legal conveyance of the said land, and shall not only transfer to the purchaser all rights of property which the original holder had therein, but shall also relieve and disencumber such land from all privileges and hypothecs due thereon except the right to *cens et rentes* or *rentes constituées* representing *cens et rentes.*

Effect of such deed.

575. If the goods and chattels seized or the immoveables are sold for more than the amount of taxes or assessments levied for, and the cost attending the seizure and sale, the surplus shall be returned to the rate-payer in possession of such goods and chattels when the sale was made; but if any claim for such surplus is previously made by any other person, alleging a right of property or privilege upon such surplus, and if the rate-payer on whom the seizure was made admits such claim, such surplus shall be paid to such claimant; and if such claim be contested, the surplus money shall be retained by the city, subject to five per cent interest until the respective rights of the parties have been determined by a competent court.

Surplus of moneys from sale to be returned to proprietor.

Proviso, if contesting claims.

576. Every action to annul a sale, made in virtue of this act, for taxes or assessments, shall be taken within the year following the adjudication of the property sold; and no action to annul a sale made as aforesaid, or to recover damages against the council, shall be maintained unless it is taken within the said delay.

Prescription of actions to annul sales.

577. The prescription mentioned in the preceding article shall extend to any exception or plea whatever setting forth the nullity of every such sale or claiming damages.

Extension of prescription of action to all pleas, &c.

TITLE XV.

FINANCES OF THE CITY.—MUNICIPAL BUDGET.

Statement of expenses to be provided.

Statement of probable revenue and appropriation to be made, leaving certain margin.

578. As soon as possible after the committees are reconstituted, each committee shall prepare a statement of the expenses to be provided for, and the finance committee shall further submit a statement of the probable revenue for the year, and the council shall appropriate the amount which it may deem advisable to sanction for the expenses provided for, leaving a margin of not less than five per cent of its estimated revenue.

Such margin not to be applied except upon certain report under penalty against members authorizing same.

Such margin shall not be touched or applied in any other manner, except upon a favorable report of the finance committee, under a penalty of fifty dollars against each member of the council taking part in an affirmative vote, or in the signing of an order or warrant to pay with respect to any expenditure out of such reserve fund unless a favorable report from the finance committee has been filed before the council and duly sanctioned previous to the expenditure of moneys for any purpose whatsoever out of such fund.

Every member responsible for such.

Every member of the council liable to such fine shall further be responsible and accountable to the city for every expense so irregularly incurred.

Officers forbidden to pay out such sums otherwise.

579. The secretary-treasurer and assistant secretary-treasurer or treasurer are forbidden to pay out of the said reserve fund any money warrant upon the order of any of the members of the council before the final observance of all the preliminary formalities prescribed in the preceding article.

Special authorization required to pay certain sums.

They are also forbidden to dispose of any surplus over the amount of an appropriation, without a special authorization from the council as aforesaid, under the penalties set forth in the preceding article.

Composition of finance committee. Minutes to be kept.

580. The finance committee shall consist of all the members of the council.

The secretary-treasurer shall keep a register of the proceedings of the committee, under the signature of the chairman of the committee and of the secretary-treasurer or of one of them.

Finance committee to report upon all expenditure outside appropriations.

581. Every by-law, resolution, motion or notice of motion respecting any expenditure outside of the appropriations shall, before being finally adopted, be submitted to the finance committee, who shall make a report at the next ensuing session of the council, whether it be a regular, special or adjourned session.

If the finance committee refuse or neglect to make a report as aforesaid, the council may proceed without it.

Council to proceed if committee do not report.

TITLE XVI.

LOANS.

582. The council may borrow, from time to time, various sums of money, for the purpose of improvements in the city, and generally for all objects within the scope of its authority.

Power to borrow money.

583. Whenever the council shall contract a loan by means of debentures, it may immediately provide, from and out of the revenues of the corporation, for the payment the annual interest, and for the establishment of a sinking fund of at least one per cent per annum.

Sinking fund

The annual rate of interest shall in no case exceed the legal rate of interest in this Province.

Rate of interest.

584. The sinking fund may be invested in the purchase of public securities belonging to the Dominion or to the Province, or in the redemption of bonds issued by the corporation, or may be deposited in a bank.

Investment of sinking fund.

585. The council may, if the lenders consent thereto, deposit in their hands the sums intended for such sinking fund.

Payment of sinking fund to lenders.

In such case the receipts given to the council shall be so drawn as to define what amount shall have been given for interest, and what amount paid into the sinking fund.

Special receipt in such cases.

586. The council may, by resolution, issue promissory notes with or without interest, payable at such places and on such terms and conditions as it may deem expedient, to settle accounts or other current matters.

Promissory notes may be issued.

587. The council may always, upon a favorable report of the finance committee, make by-laws for the authorizing the issue of debentures or promissory notes to pay floating debts or meet engagements contracted or to renew or redeem, on more advantageous conditions, any debentures in circulation.

Issue of debentures, &c., for certain purposes.

588. It may issue debentures with coupons of the same date and tenor, to the amount of the total debt of the city, in order to consolidate the same; and all debentures so issued shall be equally privileged upon all the moveable and immoveable property in the city.

Issue of debentures for consolidation of debt. Privilege of such.

Signature to notes.

589. The notes of the corporation shall be signed by the mayor and the secretary-treasurer.

Signature to debentures.

590. The debentures shall be signed by the mayor and secretary-treasurer; but the signature of the mayor may be lithographed upon the coupons.

Seal thereon.

They shall be sealed with the seal of the city.

Amount of each debenture.

591. The debentures shall never be for more than one thousand dollars nor for less than one hundred dollars currency, or the equivalent thereof in foreign currency.

How payable.

592. The debentures of Sorel may be made payable to order or to bearer, on the terms and conditions and at the places specified by the resolutions or by laws authorizing the same.

Coupons for interest to be attached.

They shall bear coupons for the amount of the half-yearly interest, at a rate not exceeding six per cent per annum.

Coupons may cover sinking fund.

The coupons may also cover a sinking fund.

Security for notes, &c.

593. The principal and interest of every note, bond or debenture, shall be secured on the general funds of the corporation.

Power to call in bonds.

594. It shall always be lawful for the the city to call in its bonds or debentures, whensoever it shall be in a position to do so with advantage to the city of Sorel; in which case the interest on such bonds or debentures shall cease to accrue after one month from the date of the publication of such calling in in the Quebec Official Gazette.

Amount of total issue of debentures limited.

595. The total issue of debentures of the city, as well as the amount representing the floating debt, shall never exceed in capital amount, a sum of over twenty per cent of the total estimated value of taxable real estate in the city according to the last valuation roll then in force.

Case of reduction of estimated value of taxable real estate.

596. In the event of a reduction in the estimated value of the taxable real estate in the city, as shown on the valuation roll, after the total debt of the city has reached the maximum authorized, the council cannot incur further debts, and it cannot, in such case, exceed, for the annual expenditure and disbursements, the amount of revenue actually collected during each year.

Responsibility of members and secretary in such case.

597. Each member of the council, as well as the secretary-treasurer shall be held personally responsible for his share of the deficit, and any rate-payer may sue for the

recovery of such sum, which shall revert to the municipal treasury.

598. In creating a sinking fund for the municipal debt, the council may provide for the redemption of the debentures of the city or of those of other municipal corporations, and the purchase, out of the general funds of the corporation, and not otherwise, of lands belonging to the Government within the limits of the city in order to divide them into building lots and to dispose of the same, by securing the deposit of the proceeds of sale and of the interest in such manner as, in all cases, to formally affect such moneys and their product in accumulated interest to the extinction or reduction of such debt.

Redemption of debentures by sinking fund, &c.

599. No moneys derived from the sale of land, bonds, shares or securities deposited in an incorporated bank, or destined for the sinking fund, shall be withdrawn for the purpose of being appropriated to a different object, without the passing of a by-law, sanctioned by the Lieutenant-Governor in Council,

How moneys deposited for such purpose may be withdrawn.

TITLE XVII.

RECOVERY OF PENALTIES.

600. Fines imposed by the by-laws of the council, or by the provisions of this act, are recoverable either before the recorder's court or before the mayor or a justice of the peace.

Before what court fines are recoverable.

601. The plaintiff or the complainant, whose demand or complaint has been dismissed with costs, shall be bound to pay the costs, under penalty of imprisonment, in the manner and within the delay prescribed in article 608

Costs against plaintiff how recovered.

602. The council may, in any by-law made under the provisions of this act, enact the imposition of punishment, by fine or imprisonment for enforcing any such by-law, provided that the fine does not exceed the sum of fifty dollars, and that the imprisonment be for a period not exceeding thirty days, saving offences against by-laws respecting the sale of liquors and licenses, and others for which it is otherwise ordered by this act.

Power to impose certain penalties.

The court which decides upon the offence may limit the fine or imprisonment.

Discretion of court.

603. All fines incurred by the same person may be included in the same suit.

Several penalties in same suit.

Prescription of suits.

604. Every suit for the purpose of recovering such fines is prescribed by six months.

Who may sue.

605. Such prosecutions may be brought by any person of age in his own name, or by the mayor or secretary-treasurer in the name of the city of Sorel.

One witness sufficient.

606. Any such suit may be decided on the oath of one credible witness.

Application of fines.

607. Fines recovered in virtue of the by-laws of the council or of the provisions of this act shall belong, unless it is otherwise provided, one half to the prosecutor and the other half to the corporation.

Same.

If the prosecution has been brought in the name of the corporation, the fine shall belong wholly to the corporation.

If corporation is defendant.

If the penalty is due by the corporation, it shall belong wholly to the prosecutor.

Imprisonment in default of payment.

608. In default of payment of the fine ordered by the court, and the costs, within fifteen days from the rendering of the judgment, the person condemned may be imprisoned for any time not exceeding thirty days, which imprisonment shall end, however, on payment of the sum due.

Effect thereof.

Such imprisonment shall discharge the person who undergoes it from the obligation of satisfying the judgment against him.

Levy for fine and costs.

609. The fines, as well as the costs taxed by the justice of the peace, the mayor or the recorder, after judgment, may be recovered and levied upon the moveables and effects of the delinquents.

Fine on valuators neglecting their duty for two months.

610. Whenever the valuators neglect to make the valuation which they are required to make under this act, or neglect to draw up, sign and deliver the valuation roll containing such valuation to the secretary-treasurer, within two months from the date of their appointment, they shall incur a fine of two dollars for each day, which shall elapse between the expiration of the said period of two months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed.

Fine on person not performing duties under act.

611. Every member of the council, every officer appointed by such council, every justice of the peace, and every other person, who shall refuse or neglect to do

any act, or perform any duty required of, or imposed upon him by this act, shall incur a fine not exceeding twenty dollars and not less than four dollars.

612. Every inspector or officer of roads, who shall refuse or neglect to perform any duty assigned to him by this act, or by the by-laws of the council, shall, for each day on which such offence shall be committed or shall continue, incur a fine of one dollar, unless some other fine be by law imposed on him for such offence.

Fine on inspectors or officers of roads.

613. Every person, who shall hinder or prevent, or attempt to hinder or prevent, any officer of the council or constable in the exercise of any of the powers, or in the performance of any of the duties, conferred or imposed upon him by this act, or by any by law or order of the said council, shall incur a fine of twenty dollars for every such offence, over and above any damages which he may be liable to pay.

Interfering with officers, &c.

614. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document required by this act or by any by-law or order of the council to be posted up at any public place, for the information of persons interested, shall incur a fine of eight dollars for such offence.

Destroying, &c., notice, &c.

615. Every person who shall vote at any election of mayor or councillors without having, at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a fine not exceeding twenty dollars.

Voting when not qualified.

616. All fines, recovered under this act, shall be paid into the hands of the secretary-treasurer of the city.

Fines to be paid secretary treasurer.

The proceeds of all licenses for the sale of spirituous and vinous liquors shall form part of the funds of the city, as well as those of all other licences granted under this act, any law to the contrary notwithstanding.

Proceeds from liquor licenses to belong to city.

The settlement of all claims respecting the proceeds of the said licenses between the Government and the corporation of Sorel, by deed before L. P. P. Cardin, notary, on the tenth of August, 1887, shall be valid up to the said date.

Certain settlement approved.

617. To the mayor and council alone shall appertain the right of remitting the whole or part of any fine belonging to the city, as well as of the costs of the suit occasioned by the prosecution for the fine.

Remission of fines and costs.

How to be made.

618. This remission shall be made, in each case, by a simple resolution adopted by the majority of the council, on a petition presented to the council to that effect, accompanied by a recommendation of the judge or magistrate who shall have imposed the fine, the said petition to be presented by the person asking such remission.

Fine for contravening preceding provisions.

619. Any member or officer of the council, who shall infringe the provisions of any of the two next preceding articles, shall incur a fine not exceeding twenty dollars for each offence.

Such remission to be null.

620. Any remission of any fine or costs, in violation of the provisions of articles 617 and 618 of this act shall be null and void.

Fines for infraction of by-laws.

621. Any person who shall transgress any by-law made by the city council under the authority of this act shall be liable for such offence to the fine or imprisonment, with or without hard labor, specified in the said by-law, with the costs to be allowed by the justice or justices of the peace who shall try such offence.

Who may sue.

622. Every person aged twenty-one years, residing in the city, shall have the right to take the action authorized by this act or any of the by-laws of the city.

Council may also sue.

All these actions may also be taken by the council in the name of the city of Sorel.

TITLE XVIII.

MUNICIPAL COURT OF THE CITY.

Recorders' court.

623. The municipal court of the city is called the "Recorder's court of the city of Sorel."

May be maintained, &c.

The council shall maintain, abolish or re-establish, at pleasure, the recorder's court as at present constituted.

Recorder to preside.

The said court is presided over by the recorder who is called the "Recorder of the city of Sorel."

Present recorder.

624. The present recorder is continued in office during the good pleasure of the Lieutenant-Governor in council.

Who appoints recorder.

625. Every appointment of a recorder for the city shall be made by the Lieutenant-Governor of the Province of Quebec.

Clerks' appointment.

626. The clerk of the recorder's court shall be appointed by the council during good pleasure.

627. Immediately after their appointment and before entering into office, the recorder, the deputy-recorder, the clerk and the assistant-clerk of the said court, shall make oath to well and faithfully perform the duties of their office.

Oath of office

The omission on their part to do so within ten days from the date of their appointment shall be considered as a refusal to accept such office.

Omission to take.

628. The recorder may, from time to time, appoint under his hand a deputy-recorder who shall, *ipso facto*, be vested with all the powers of the recorder.

Deputy-recorder.

The original of such appointment shall be deposited and registered in the office of the secretary-treasurer.

Registration of appointment.

629. In the event of the death of the recorder, the deputy-recorder shall continue in office until the appointment of a recorder by the Lieutenant-Governor in council.

Case of death of recorder.

630. The salary of the recorder shall be fixed and paid by the council, which may increase or reduce the same at will.

Salary of recorder.

631. The recorder's court has the same jurisdiction and is vested with all the judicial and executive powers conferred upon the mayor or one or more justices of the peace, and may take cognizance of and decide summarily, all criminal or civil actions for infringement of by-laws of the city and for the recovery of all fines or penalties, imposed by this act or by the by-laws of the city, of all municipal and school taxes in the city, as well as all suits between lessors and lessees and proprietors or occupants, provided the amount of the rent does not exceed the annual value of one hundred dollars, with power to order the summary ejectment of the occupants, if necessary, and also all suits between masters and servants, apprentices, domestics or laborers resulting from the hire of labour, provided the amount thereof does not exceed twenty-five dollars.

Jurisdiction of recorder's court.

632. The clerk of the court may, by an instrument under his hand and seal, to be acknowledged by him before the recorder, and duly deposited and filed in the office of the court and entered in the register thereof, appoint a fit and proper person, to be and act as his deputy in the discharge of all and every his duties as clerk of the said court, and remove any person so appointed, and appoint another in his stead.

Appointment of deputy clerk.

Duties and powers of deputy.

633. So long as he holds office, the said deputy shall fulfil all the duties, and shall be invested with all the powers imposed or conferred by this act on the clerk of the said court.

Preparation of warrants, &c.

634. The clerk of the said court shall prepare and make out all the summonses, orders, writs and warrants whatsoever, which shall be issued by the court.

Clerk to prosecute.

635. He shall conduct, on behalf and in the name of the plaintiffs or prosecutors, when such plaintiffs or prosecutors are in the city of Sorel, all cases and suits cognizable by and within the jurisdiction of the said court, except in cases where the city shall deem it expedient to appoint an attorney, or to associate counsel with him.

Oath of office of clerk and deputy.

636. The said clerk and his deputy, shall respectively take an oath of office; and the said oath shall be inscribed on the back or other part of the document appointing such clerk or deputy.

Enter in register of proceedings on complaints.

637. He shall enter daily, and in a succinct manner, in a register which shall be kept for that purpose, the proceedings had in each cause or complaint brought in the said court.

Judgments and convictions need not be entered at length.

638. It shall not be necessary for the clerk to enregister at full length the proceedings, judgments and convictions of the court.

Roll of judgments and of convictions sufficient.

A roll only of the said judgments and one of convictions shall be duly kept by the said clerk, wherein shall be set forth in the first case, the name of the defendant, the nature of the debt, and the date of judgment, and in the second, the nature of the offence, the fine and the date of conviction.

Notes, &c., sufficient evidence thereof.

The notes of proceedings, noted on the original summons or plaint, shall be sufficient evidence thereof.

Proviso of defendant requests otherwise.

However, the above provisions shall not apply when the defendant requests, prior to the hearing of the case, to have the proceedings entered as heretofore.

Death of clerk provided for.

639. In the event of the death of the said clerk, the deputy-clerk shall continue to act as such, until another clerk shall have been appointed by the council.

Writs, &c., to run in Her Majesty's name.

640. Every summons, order, writ or warrant of any nature whatsoever, issued out of, or by the said court, shall run and be in the name of Her Majesty, Her Heirs or successors, and they shall be signed by the recorder or the clerk.

Certain complaints need not be in writing.

641. In all cases tried for drunkenness, or where a person shall be arrested on view by a police constable of the city for an offence against the provisions of this act or of any by-law, it shall not be necessary that the complaint be reduced to writing, but a verbal complaint, under oath, made before the said recorder's court by the constable who shall have arrested such person, shall be deemed a sufficient complaint.

Unless defendant so requires.

642. If such person demand that the complaint be reduced to writing, the court shall direct the clerk to reduce the said complaint to writing.

Hearing by justices or recorder. Powers for such purpose.

R. S. C. c. 178, to apply

643. The suits or complaints heard before the recorder or the justices of the peace under this act shall be heard and decided by them, and all the powers conferred upon justices of the peace by the Revised Statutes of Canada, chapter 178, as regards summary orders and convictions, are conferred upon the said Recorder's Court. The said chapter shall apply to the said court.

Proceedings by default.

644. If any person, summoned to appear before the said court for the commission of any offence, as aforesaid, does not appear either in person or by his attorney, then, upon proof of the service of the summons, proceedings by default shall be taken against such person, and upon proof by the plaintiff of the allegations of the complaint, the court shall render the proper judgment in the matter, deciding also upon the costs.

Proceedings if defendant appears. Hearing and judgment.

645. If the defendant appears, the court shall cause the plea put in by him to the complaint to be entered; it shall hear the witnesses produced by the parties, and shall decide in conformity to law and justice.

Provisions of by-law, &c., need not be cited in complaints.

646. In any complaint or prosecution brought by the corporation, in the said recorder's court, it shall not be necessary to specify or recite the provisions of law or the by-law under which such suit, prosecution or complaint shall be brought; but it shall be sufficient to state that it is in virtue of the act or by-law in that behalf made.

Certain suits to be brought by city.

647. All suits, actions or prosecutions which might, before the adoption of this act, be brought or commenced in the name of the collector of revenue, in virtue of articles 827 to 1093 of the Revised Statutes of the Province of Quebec, and any acts which may have been or may hereafter be passed to amend the same, may be brought before the recorder or one or more justices of the peace,

residing in the city, in the name of the city of Sorel, provided they are brought for offences committed within the limits of the said city.

Certain chapter of R. S. C., incorporated with this act.

All the provisions of the chapter cited in article 643 in regard to the said offences, and to the mode of prosecuting and punishing therefor, and all the proceedings, orders and convictions authorized and commanded to be made in and by the said act and those amending it, are incorporated with this act, with such modifications as are necessary for their application.

Powers of police to arrest offenders.

648. The police of the city, or any other peace officer or constable, may bring before the court, any person offending, as aforesaid, against the provisions of this act or by-laws aforesaid, and any vagrant, loose, idle, or disorderly person, and any person arrested, as aforesaid, to be then and there dealt with according to law as the recorder's court, or the recorder, may judge and determine.

Joint-owners, &c.

649. Any joint-owner or occupant of any lot, house, building or other real property in the city, complained of for violation of any by-law of the council or any other offence of what nature soever against the provisions of any by-law of the council, may be sued alone or jointly with his co-owners or co-occupants, in the recorder's court, as also any agent of the said joint-owner or co-occupant.

Sufficiency of allegations of complaint in such cases.

In the suit to be instituted, it shall be sufficient to mention the name of such joint-owner, or co-occupant, or of such agent, with the addition of the word "and others," and the oral testimony of such act of ownership or occupancy as aforesaid, whether joint or individual or of such agency, is sufficient, any law, usage or custom to the contrary notwithstanding.

Deposition not required.

650. Such suits need not be begun by the deposition or information on oath of the plaintiff or complainant, but the purport of the complaint or demand shall be sufficiently set forth in the writ or in a declaration annexed thereto.

When court sits.

651. The recorder's court shall sit as many times as it may be necessary each day, without previous notice, and may fix any time for the summary hearing and determination of offences committed by any person against the provisions of any act or by-law, and for summarily hearing and determining the case of any vagrant, loose, idle, or disorderly person, and other offenders arrested by or in charge of the police of the city, or the cases of persons arrested, on view, immediately after the commission of any offence, as aforesaid, or by warrant issued out of the

court, or by the recorder, or by a justice of the peace for the district of Richelieu.

Tariff of fees.

652. The council may make and settle a tariff of the fees, which may be exacted by the clerk and bailiffs, and change the said tariff, from time to time.

Costs.

653. In all suits brought before the recorder's court, the costs shall be the same in civil matters as those allowed by justices of the peace by special tariff.

Attorneys' fees.

The fees of the advocates or attorneys shall not be taxed in civil or criminal cases.

Costs discretionary.

654. The recorder's court may use its discretion in awarding or withholding costs, or ordering each party to pay his own costs.

Delays on summons.

655. There shall be an interval of a least two juridical days, between the day of the service of the summons and that of the return.

Who may hear suits.

656. On the day of the return of the summons or of the warrant, the recorder, or justice of the peace who signed the summons or the warrant, shall be entitled to hear and decide the case alone.

May require assistance.

He may, nevertheless, require the assistance of any other justice of the peace having jurisdiction within the district.

Returns by bailiff.

657. The returns of service made by a bailiff shall be given under his oath of office.

Notes of evidence to be taken.

658. The recorder, the justice of the peace or the clerk shall take notes of the important parts of the evidence.

To be signed, &c.,

These notes signed by the sitting justice of the peace or recorder shall form part of the record.

Delay upon confession.

659. The recorder's court may grant a delay of two months to a defendant who confesses judgment after the return of the action.

Maintenance of order.

660. The recorder shall maintain order during the sittings of the court and may punish by fine or imprisonment every person guilty of contempt of court during its sittings.

Judgments when executory.

661. The judgment of the court in civil matters shall be executory at the expiration of fifteen days from the date thereof.

Certain formalities need not be alleged in complaint.

662. In any action, proceeding or complaint by the corporation, it shall not be necessary to allege or to prove that the formalities required for the passing of a by-law have been observed, nor that such by-law has been transmitted to the Lieutenant-Governor.

To be presumed.

The fact that such formalities have been observed shall be presumed, until proof to the contrary be shown.

Prescription of suits for offences.

663. Any information or complaint, for infraction of any by-law of the council, shall be made or brought, within the thirty days following the commission of the offence.

TITLE XIX.

EXPROPRIATIONS.

Power of corporation to receive, &c., expropriate land, &c., for public works, &c.

664. The council may receive by gift, acquire or expropriate the land required for the works ordered by it within the limits of its powers, especially for the opening, widening or straightening of streets or specified portions of streets, public squares, parks, drains, sewers, the construction of buildings for the use of the city, for all purposes connected with supplying the city with water, of all water-works and dependencies and accessories, including the removal or changing of the present water-works, if necessary, and for all purposes connected with the lighting of the city, of all gas-works or electric apparatus with dependencies and accessories.

Certain property not to be taken without consent.

665. The council cannot, without the consent of the owner, expropriate the properties following :

1. Property belonging to Her Majesty, or held in trust for her use ;
2. Property occupied by the Federal or Provincial Government ;
3. Property possessed or occupied by railway companies, *fabriques*, or religious, charitable or educational institutions or corporations ;
4. Cemeteries, bishops' palaces, parsonages and their dependencies.

Indemnity to tenants of Government property.

666. In all cases where a lot of land required for municipal purposes shall form part of the Government property occupied by tenants, the indemnity to be paid to the tenant, if any there be, shall be determined and fixed by the assessors unless it be settled by mutual agreement.

Indemnity how to be established,

667. The indemnity to be paid for any land liable to expropriation may be fixed and established by agreement

between the council and the owner, if of age and in possession of his civil rights ; and it may also be agreed that no indemnity be allowed to the expropriated owner.

Arbitration in default of agreement.

668. In the absence of an understanding between the parties, or if the owner is a minor or has not the exercise of his civil rights, the value of the land in question, together with whatever goes in compensation against the value of such land, shall be estimated by arbitrators named as follows ; one by the council, one by the owner, or on his behalf, and a third by the two former, or, if they cannot agree, on demand of any of the interested parties, by a judge of the Superior Court.

If owner is a minor, &c.

If the proprietor is a minor or has not the enjoyment of his civil rights and if he has no legal representative, a judge of the Superior Court shall appoint an arbitrator for him.

Proceedings by arbitrators.

669. The arbitrators proceed at the time and place fixed by them, and of which they shall have given at least ten days' special notice to the parties interested.

Award.

The arbitrators, after having examined and valued the land and heard the parties and their witnesses, under oath administered by one of them, if they deem it expedient, give their decision by means of a certificate signed by them or by the majority of them, and which they deposit in the office of the council.

To be final.

Such decision is final and without appeal.

What award is to contain.

670. In any decision rendered by them, the arbitrators mention the lot whereof the land taken forms part, the name of the owner of such land, and also the by-law or order of the council under which such land is taken, and fix the amount of the indemnity, if they grant one, and if they do not, a statement to that effect is entered in such decision establishing the refusal thereof.

Corporation may enter into possession on payment or tender of amount.

671. On payment or lawful tender of the amount of the indemnity agreed upon or accorded, or on the deposit thereof as hereinafter provided, the council shall be entitled to take possession of the land.

Proceedings in case of resistance.

If such taking possession is resisted or opposed by any person, any judge of the Superior Court, on proof of the decision of the arbitrators, and of the payment or tender or deposit, as the case may be, may issue his writ addressed to any bailiff or to the sheriff, in order to have the corporation placed in possession of such lot and to cause all resistance or opposition to cease ; all which the bailiff or sheriff shall accomplish, providing himself to that end with the assistance required;

Deposit of amount in office of prothonotary in certain cases.

672. If the expropriated owner is unknown, or if the council, through apprehension of future claims or through other motives, deems it advisable so to act, the amount of the indemnity together with six months interest thereon, shall be deposited at the office of the prothonotary of the district of Richelieu, together with a copy of the deed of agreement, or of the decision of the arbitrators.

Proceedings thereafter in ratification of title, &c.

Proceedings shall be taken for the ratification of such deed or decision, by following the same procedure and with the same effect, as in ordinary applications for ratification of title.

TITLE XX.

EXECUTION OF JUDGMENTS AGAINST THE CORPORATION.

Secretary treasurer to pay when copy of judgment served upon him.

673. Whenever a copy of a judgment, condemning the corporation to pay a sum of money, has been served at the office of the council, the secretary-treasurer shall forthwith pay the amount thereof out of the funds at his disposal, on the authorization of the council or of the mayor, according to article 88.

Proceedings if not sufficient funds in hands.

674. If there be no funds, or if those at the disposal of the secretary-treasurer be not sufficient, the council shall, immediately after the service of the judgment of the court, order the secretary-treasurer, by resolution, to levy on the taxable property of the city a sum sufficent to pay the amount due with interest and costs.

Delay may be granted to corporation.

675. The court, which rendered the judgment, may, on petition to that end presented either in term or in vacation, grant, from time to time, to the council any delay which it deems necessary to levy the amount of moneys required.

Writ of execution against corporation, in default of payment.

676. If the judgment have not been satisfied within two months after the service thereof at the office of the council, or at the expiration of the delay granted by the court or agreed upon by the parties, the person in whose favor such judgment was rendered, may, on producing the return of the service of such judgment at the office of the council, and on a requisition in writing for such purpose, obtain the issue of a writ of execution from the court against the corporation, returnable before the same court so soon as the amount of the judgment and costs has been levied.

Attestation and address of writ and order contained.

677. Such writ is attested and signed by the prothonotary of the Superior Court, sealed with the seal of the court and addressed to the sheriff of the district of Richelieu, enjoining him among other things :

To levy amount from corporation.

1. To levy from the corporation, with all possible despatch, the amount of the debt with interest and costs of the judgment as well as of the execution ;

In default of payment : To apportion amount on taxable property.

2. In default of immediate payment by the corporation : To apportion the sums to be levied on all the taxable property in the city, in proportion to its value, as it appears by the valuation roll, with the same powers and under the same obligations and penalties as the council and the secretary-treasurer to whom he is lawfully substituted for the levying of such money ;

To prepare special roll. To publish notice.

3. To prepare without delay a special collection roll ;

4. To publish such special roll in the city, in the manner required by article 544 ;

To levy amounts thereon.

5. To exact and levy the amounts entered on the special collection roll, in the manner and within the delay prescribed by articles 545 and following.

To levy on moveables of rate-payers.

6. In default of the payment of such amounts by the persons who are bound so to do, to levy the same with costs, on their moveable property, in the manner prescribed by article 545 and following inclusively ;

To sell real estate for amount.

To sell the real estate liable for such amounts, in default of their payment in the same manner and with the same effect as if he were acting under a writ *de terris* issued by the Superior Court of the district of Richelieu ;

To return his proceedings.

To make a return to the court of the amount levied and of his proceedings, as soon as the amount of the debt, interest and costs has been collected, or from time to time, as the court may order.

Duty of sheriff to obey writ.

678. The sheriff is bound to execute without delay, either personally or by his officers, all the injunctions of such writ or of any other order subsequently issued by the court.

Powers of sheriff.

679. The sheriff has free access to the registers, valuation rolls, collection rolls and other documents deposited in the office of the council, and he may demand the services of the municipal officers of the city, under the same penalties as if such services were required by the council itself.

Takes possession of valuation and other rolls.

680. He takes possession of the valuation roll and other documents which are necessary to him for the execution of the judgment and orders of the court.

On the refusal or neglect of the council or municipal officers to deliver up such documents, he is authorized to take possession thereof.

To make valuation roll if he cannot obtain it.

681. If it be impossible for the seizing officer to obtain the valuation roll, which should serve as a basis for the

collection of the moneys, or if there be no such valuation roll, the sheriff shall, without delay, proceed to make a valuation of the taxable property ; and he is authorized to base the special roll for the collection of the moneys to be levied on such valuation roll as if it were the valuation roll in force.

Costs of such to be costs under writ.

The costs incurred in making such valuation, as taxed by the court from which the writ issued, form part of the costs of execution and are recoverable from the corporation.

Taxation of costs.

682. The fees, costs and disbursements of the sheriff are taxed in the discretion of the judge of the court from which the writ of execution issued.

Copy of special collection roll to be sent to council.

683. The sheriff transmits to the office of the council a copy of his special collection roll, and any other roll or document whereof he has taken possession after having levied the whole amount set forth in the writ of execution, together with interest and costs.

Arrears due to belong to corporation.

684. The arrears due, in virtue of the sheriff's special collection roll, belong to the corporation and may be recovered by such corporation in the same manner as any other municipal tax.

Surplus to be paid to it.

If any surplus remain in the hands of the sheriff, it shall belong to such corporation.

Orders to be obtained by sheriff.

685. The sheriff may obtain from the court any order calculated to facilitate and ensure the complete execution of the writ addressed to him.

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jour de Juillet mil huit cent quatre vingt-neuf.

A. N. Taillon

MAIRE

L'avenir de notre Cité est entre nos mains: il dépend de nous de lui donner le rang auquel lui permet d'aspirer sa position géographique et ses autres avantages naturels; et, avec de l'union et une entente cordiale, nous pourrons obtenir, dans un avenir prochain, la réalisation de nos ambitieuses mais légitimes espérances.

Dieu sauve la Reine.

Donné en la Cité de Sorel, sous le sceau de la municipalité, ce Premier jour de Juillet mil huit cent quatre vingt-neuf.

A. N. Taillon

MAIRE

Cité de So

Province de Q

CANADA.

Déclaration de l'érection

Attendu qu'il a plu à Sa

Dieu Reine du Royaume-Uni de

par et de l'avis et du consentement de la légi

plus étendus à la corporation municipale de

ville le titre de CITE ; Attendu que l'act

en vigueur ce jour même.

Le soussigné, Maire de la CIT

et des citoyens de la dite CITE, déclare solennellem

constitution promulguée ce jour.

Et maintenant que SOREL entre dans

l'esprit du temps, qui pousse les nations et les

é de Sorel,

uce de Québec,

CANADA.

l'érection de la ville de SOREL en CITE.

qu'il a plu à Sa Majesté VICTORIA, par la grâce de
aume-Uni de la Grande-Bretagne et d'Irlande,
ntement de la législature de Québec, de conférer des pouvoirs
n municipale de la ville de SOREL, et de donner à cette
ttendu que l'acte constituant la dite ville en CITE entre
.

Maire de la CITE DE SOREL, pour et au nom des échevins
déclare solennellement accepter avec reconnaissance la nouvelle
.

ne SOREL entre dans une ère nouvelle, inspirons nous tous de
les nations et les particuliers vers le progrès.